FEDERAL REGISTER

VOLUME 18 NUMBER 72

Washington, Wednesday, April 15, 1953

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

TEMPORARY RENEWABLE APPOINTMENT

Section 2.114 (j) is amended to read as follows:

§ 2.114 *Temporary appointment.* * * *

(j) *Temporary renewable appointment.* Any person who is eligible and selected for appointment or reappointment to a continuing position under any regulation of the Commission and who enters on duty on or after his seventieth birthday shall be given a temporary appointment under the authority of this paragraph for a period of not to exceed one year. Any person who is serving under this authority and who would otherwise be eligible under any regulation of the Commission for promotion, demotion, reassignment or transfer may be given a new temporary appointment by any agency in lieu of such noncompetitive action under the authority of this paragraph. Temporary appointments under this paragraph may be renewed for additional successive one-year periods at the discretion of the appointing officer without prior approval of the Civil Service Commission. Persons appointed under the authority of this paragraph do not thereby acquire a competitive civil-service status.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633a. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] PHILIP YOUNG,
Chairman.

[F. R. Doc. 53-3204; Filed, Apr. 14, 1953; 8:48 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.181]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following April 11, 1953, paragraph (a) is amended by the deletion of the following posts:

Portoviejo, Ecuador.
Quevedo, Ecuador.

2. Effective as of the beginning of the first pay period following April 11, 1953, paragraph (b) is amended by the deletion of the following posts:

India, all posts except Bombay, Calcutta, Cuddalore, Delhi, Gwalior, Hirakud Dam, Hyderabad, Izatnagar, Kharagpur, Madras, Nabha, Nagpur, New Delhi, Patiala, Poona, Shillong and Simla.
Shiraz, Iran.

3. Effective as of the beginning of the first pay period following April 11, 1953, paragraph (c) is amended by the deletion of the following post:

Port Said, Egypt.

4. Effective as of the beginning of the first pay period following April 11, 1953, paragraph (d) is amended by the deletion of the following post:

Cairo, Egypt.

5. Effective as of the beginning of the first pay period following April 11, 1953, paragraph (a) is amended by the addition of the following posts:

Bhopal, India.
Nilokheri, India.
Trivandrum, India.

6. Effective as of the beginning of the first pay period following October 11, 1952, paragraph (b) is amended by the addition of the following post:

Khartoum, Anglo-Egyptian Sudan.

(Continued on p. 2099)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

7. Effective as of the beginning of the first pay period following April 11, 1953, paragraph (b) is amended by the addition of the following posts:

India, all posts except Bhopal, Bombay, Calcutta, Cuddalore, Delhi, Gwalior, Hirakud Dam, Hyderabad, Izatnagar, Kharagpur, Madras, Nabha, Nagpur, New Delhi, Nilokheri, Patiala, Poona, Shillong, Simla and Trivandrum.

8. Effective as of the beginning of the first pay period following April 11, 1953, paragraph (d) is amended by the addition of the following post:

Port Said, Egypt.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

DONOLD B. LOURIE,
Under Secretary for Administration.

APRIL 3, 1953.

[F. R. Doc. 53-3197; Filed, Apr. 14, 1953; 8:46 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter B—Prevention of Animal Diseases: Cooperation With States

[B. A. I. Order 376, Amdt. 1]

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND OTHER CONTAGIOUS OR INFECTIOUS ANIMAL DISEASES WHICH IN THE OPINION OF THE SECRETARY CONSTITUTE AN EMERGENCY AND THREATEN THE LIVESTOCK INDUSTRY OF THE COUNTRY

DETERMINATION OF EXISTENCE OF DISEASE; AGREEMENTS WITH STATES

By virtue of the authority vested in me by the provisions of the Department of Agriculture Appropriation Act, 1953, under the heading—"Eradication of Foot-and-Mouth Disease and Other Contagious Diseases of Animals and Poultry", and section 11 of the act of May 29, 1884, as added by the act of September 21, 1944, as amended, 58 Stat. 734, and 65 Stat. 693 (21 U. S. C. 114a) Title 9, Chapter I, Subchapter B, Code of Federal Regulations, is hereby amended by adding to § 53.2 (b) a proviso reading as follows:

§ 53.2 *Determination of existence of disease; agreements with States.* * * *

(b) * * * *Provided further,* That the Chief of Bureau is authorized to pay not to exceed 50 percent of the expenses of purchase, destruction, and disposition of animals and materials affected by or exposed to disease without regard to any agreement with the authorities of a State to pay expenses as provided herein where he finds that such animals and materials are in the State by reason of interstate commerce and were exposed to or affected by the disease in any other State.

The protection of the livestock interests of the United States demands that this amendment be made effective at the earliest possible moment. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found, under the said section 4, for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

This amendment shall be effective immediately.

(Sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 114a)

Done at Washington, D. C., this 10th day of April 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-3253; Filed, Apr. 14, 1953; 8:58 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs. Amdt. P. L. 30]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

CASTOR OIL

§ 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
	Vegetable oils (except essential) and fats, crude:
221091	Castor oil, commercial (including sulfonated, n. e. c.) (report medicinal grade in 811100).
811100	Castor oil, medicinal grade (report commercial grade in 221091).
	Textile specialty compounds:
822300	Castor oil, sulfonated.
	Tanning specialty compounds:
822300	Castor oil, sulfonated.
	Polishes:
	Leather dressings, oils, polishes and stains (specify by name):
829200	Castor oil, sulfonated.

This amendment shall become effective as of 12:01 a. m., April 14, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 53-3311; Filed, Apr. 14, 1953; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp. 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp, 146; 17 F. R. 4559, 11738; 18 F. R. 951) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.122 *Dihydrostreptomycin-streptomycin sulfates solution*—(a) *Combined potency of dihydrostreptomycin and streptomycin; content of streptomycin.* Proceed as directed in § 141.118 (a) and (b).

(b) *Sterility, toxicity, pyrogens, histamine.* Proceed as directed in §§ 141.102, 141.103, 141.104, and 141.105.

(c) *pH.* Using the undiluted solution, proceed as directed in § 141.5 (b).

2. In § 146.58 *Penicillin and streptomycin, penicillin and dihydrostreptomycin* subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the figure "24" to read "36"

3. Section 146.84 (c) is amended to read:

§ 146.84 *Penicillin and dihydrostreptomycin-streptomycin sulfates, procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution*— * * *

(c) *Labeling.* If it is the dry mixture, it shall be labeled in accordance with the requirements prescribed by § 146.58 (c), except that each package shall bear on the outside wrapper or container and the immediate containers the number of units of each salt of penicillin, the number of grams of dihydrostreptomycin, and the number of grams of streptomycin in the immediate container. If it is the suspension of the drug, it shall be labeled in accordance with the requirements prescribed by § 146.67 (c) except that each package shall bear on the outside wrapper or container and the immediate container the number of units of procaine penicillin, the number of grams of dihydrostreptomycin, and the number of grams of streptomycin in each milliliter in the immediate container.

* * * * * *

4. Part 146 is amended by adding the following new section:

§ 146.117 *Dihydrostreptomycin-streptomycin sulfates solution*—(a) *Standards of identity, strength, quality, and purity.* Dihydrostreptomycin-streptomycin sulfates solution is an aqueous solution of dihydrostreptomycin-streptomycin sulfates. Such solution conforms to all standards prescribed by § 146.113 (a) for dihydrostreptomycin-streptomycin sulfates, except the limitation on moisture content, and except that:

(1) Each milliliter shall contain 250 milligrams each of dihydrostreptomycin and streptomycin, unless it is intended solely for veterinary use and is conspicuously so labeled.

(2) It may contain suitable and harmless buffer substances, preservatives, and stabilizing agents. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(3) Its *p*H is not less than 5.7 and not more than 6.3.

(b) *Packaging.* It shall be packaged in accordance with the requirements of § 146.106 (b)

(c) *Labeling.* It shall be labeled in accordance with the requirements of § 146.106 (c) for streptomycin sulfate solution, except in lieu of subparagraph (1) (ii) of that paragraph each package shall bear on the outside wrapper or container and the immediate container the number of grams of dihydrostreptomycin, the number of grams of streptomycin, and the total number of grams of both salts in each milliliter in the immediate container.

(d) *Request for certification, samples.* In addition to complying with the requirements of § 146.113 (d) a person who requests certification of a batch shall submit in connection with his initial request one package containing approximately 5.0 grams of each other ingredient used in making the batch.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be the same as those prescribed by § 146.113 (e) except that the fee for each immediate container in the sample of other ingredients required by paragraph (d), of this section shall be $4.00.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

This order, which provides for revising the directions for labeling penicillin and dihydrostreptomycin-streptomycin sulfates and procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution; for tests and methods of assay and certification of dihydrostreptomycin-streptomycin sulfates solution; and for an expiration date of 36 months for penicillin and streptomycin and penicillin and dihydrostreptomycin, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Dated: April 9, 1953.

[SEAL] OVETA CULP HOBBY,
Federal Security Administrator

[F. R. Doc. 53-3207; Filed, Apr. 14, 1953; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1953 Dept. Circ. 888, Revised]

PART 330—REGULATIONS GOVERNING THE SPECIAL ENDORSEMENT OF UNITED STATES SAVINGS BONDS OF ANY SERIES AND THE PAYMENT OF MATURED SERIES F AND G BONDS BY ELIGIBLE PAYING AGENTS

APRIL 8, 1953.

Pursuant to section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U. S. C. 757c) Department Circular No. 888, dated May 15, 1951 (31 CFR 1951 Supp. 330) is hereby revised effective May 1, 1953, to read as follows:

Sec.
330.1 Purpose of regulations in this part.
330.2 Agents eligible to process bonds.
330.3 Bonds eligible for processing.
330.4 Guaranty given to the United States.
330.5 Evidence of owner's authorization to agent.
330.6 Endorsement of bonds.
330.7 Bonds in coownership form.
330.8 Payment or exchange of bonds.
330.9 Functions of Federal Reserve Banks.
330.10 Modification of other parts.
330.11 Other parts generally applicable.
330.12 Supplements and amendments.

AUTHORITY: §§ 330.1 to 330.12 issued under sec. 22, 49 Stat. 21, as amended; 31 U. S. C. 757c.

§ 330.1 *Purpose of regulations in this part.* The regulations in this part (a) prescribe a procedure whereby eligible qualified paying agents may specially endorse United States Savings Bonds of certain classes, with or without the owners' signatures to the requests for payment, and (b) make provisions for such agents to pay certain bonds so endorsed or forward them to the Federal Reserve Bank of the District for payment or for any authorized exchange. See § 330.3 for classes of bonds which such paying agents may endorse and § 330.8 for those which they may pay or present to the Federal Reserve Bank of the District for payment or exchange. Although the provisions of this part are designed primarily to permit payment without the signatures of the owners to the requests for payment on bonds held by paying agents in safekeeping or trust accounts for known customers, application thereof is not so limited. For example, an eligible paying agent may process a matured bond of Series F or G by special endorsement under the provisions and conditions of this part for the owner, whether or not he signs the request for payment, and whether or not the bond is held in a safekeeping or trust account. Under no circumstances shall the provisions of this part be used to give effect to a transfer, hypothecation, or pledge of a bond or to permit payment to any person other than the owner or coowner. Violation of these prohibitions will be cause for the withdrawal of an agent's privilege to process any bonds under this part.

§ 330.2 *Agents eligible to process bonds.* Any institution qualified as a paying agent of United States Savings Bonds under the provisions of Part 321 of this subchapter (Department Circular No. 750, Revised), upon establishing its eligibility in accordance with this section, is hereby authorized to process savings bonds and to pay matured savings bonds of Series F and G, subject to the provisions and conditions of this part and any instructions issued under this part. In order to establish such eligibility, the institution should apply on Treasury Department Form PD 2291, Revised, to the Federal Reserve Bank of the District in which it is located. This form provides a certification that by duly-executed resolution of its governing board or committee the institution has been authorized to apply for the privilege of processing and paying bonds in accordance with the provisions and conditions of this part (Department Circular No. 888, Revised), including all supplements, amendments, and revisions thereof, and any instructions issued in connection therewith. If the application is approved, the Federal Reserve Bank will so notify the institution by means of Treasury Department Form PD 2292, Revised. The authority given in this circular to pay matured savings bonds of Series F and G and to otherwise process savings bonds will become effective upon the receipt of such duly-executed Form PD 2292, Revised, but not before May 1, 1953. The Secretary of the Treasury reserves the right to withdraw such privilege from any institution at any time and such action may be taken either by the Treasury Department direct or through a Federal Reserve Bank, acting as fiscal agent of the United States. The eligibility established by any institution to process

savings bonds under this part prior to revision (Department Circular No. 888, dated May 15, 1951) is hereby withdrawn, effective at the close of business April 30, 1953.

§ 330.3 *Bonds eligible for processing.* A United States Savings Bond of any series may be processed under the regulations in this part upon the request of the registered owner (which term as now and hereafter used in this part includes a coowner) named on the bond. The term "owner" is defined to include individuals, incorporated and unincorporated bodies, executors, administrators, and other fiduciaries named on the bonds. The procedure does not apply, for example, to cases where a parent requests payment or exchange in behalf of a minor child who is named on the bond as its owner or to cases where requests for payment or exchange are made by surviving beneficiaries, or to any other cases requiring death certificates or other supporting evidence.

§ 330.4 *Guaranty given to the United States.* Each paying agent by the act of paying or presenting to the Federal Reserve Bank of the District either for payment or for exchange a bond bearing the special endorsement prescribed in § 330.6 shall be deemed thereby (a) to have unconditionally guaranteed to the United States the validity of the transaction, including the identification of the owner and the disposition of the proceeds or the new bonds, as the case may be, in accordance with his instructions, (b) to have assumed complete and unconditional liability to the United States for any loss which may be incurred by the United States as a result of the transaction, and (c) to have unconditionally agreed to make prompt reimbursement for the amount of the loss upon request of the Treasury Department.

§ 330.5 *Evidence of owner's authorization to agent.* By the act of paying or presenting to the Federal Reserve Bank of the District for payment or for exchange a bond bearing the special endorsement prescribed in § 330.6, the paying agent represents to the United States that it has obtained adequate instructions from the owner with respect to payment or exchange of the bond and disposition of its proceeds or the new bond, as the case may be. To support this representation agents should maintain such records as may be necessary to establish the receipt of such instructions as well as records establishing compliance therewith.

§ 330.6 *Endorsement of bonds.* Each bond processed under the regulations in this part shall bear the following endorsement (see § 330.7 for additional instructions covering bonds inscribed in coownership form)

Request by owner and validity of transaction guaranteed in accordance with T. D. Circular No. 888, Revised.

(Name and location of agent)

This endorsement must be placed on the back of the bond in the space provided for the owner to request payment. The endorsement stamp must be legibly impressed in black or other dark-colored ink. The Federal Reserve Bank of the District will furnish rubber stamps for impressing the above endorsement or, in lieu thereof, will approve designs for suitable stamps to be obtained by paying agents. Requests for endorsement stamps to be furnished or approved by the Federal Reserve Bank shall be made in writing by an officer of the institution. The use of endorsement stamps which have been approved or furnished by Federal Reserve Banks pursuant to this part prior to revision (Department Circular No. 888, dated May 15, 1951) shall be discontinued at the close of business April 30, 1953.

§ 330.7 *Bonds in coownership form.* In addition to the endorsement prescribed in § 330.6, the paying agent shall, in the case of bonds registered in coownership form, indicate which coowner requested payment or exchange. This should be done by encircling in black or other dark-colored ink the name of such coowner (or both coowners if a joint request for payment or exchange is made) as it appears in the inscription on the face of the bond.

§ 330.8 *Payment or exchange of bonds*—(a) *Payment of Series A to E, inclusive, by paying agents.* Bonds of Series A to E, inclusive, bearing the special endorsement (see §§ 330.3 and 330.6) may be paid by a paying agent pursuant to the authority and subject to the provisions and conditions of Part 321 of this subchapter (Department Circular No. 750, Revised) and the instructions issued pursuant thereto, except, of course, that the owner's signature to the request for payment of the bond will not be required, and except also that each such endorsed bond carries with it a guarantee to the United States against loss (see § 330.4) Series A to E bonds, inclusive, which bear the special endorsement and which are thereafter paid by the paying agent under Part 321 of this subchapter (Department Circular No 750, Revised) will be combined with other Series A to E bonds paid under that circular and forwarded to the Federal Reserve Bank of the District.

(b) *Payment of matured bonds—Series F and G—by paying agents.* Matured savings bonds of Series F and G other than those marked "Duplicate" bearing the special endorsement (see §§ 330.3 and 330.6) may be paid by qualified paying agents whose eligibility to pay matured Series F and G bonds has been duly established pursuant to § 330.2. No fees will be paid to the agent for making these payments. Such matured bonds may be paid only under the provisions and conditions of this paragraph and such instructions as may be issued pursuant thereto. It will be required that the bonds be of a class which may be processed by special endorsement (see § 330.3) the owner (as defined in § 330.3) has requested the payment, the bonds bear no material alteration, irregularity, mutilation, or other defect that may be a basis for questioning payment thereof, and the bonds bear the special endorsement (see § 330.6). The payment of matured bonds of Series F and G shall be made in accordance with the following provisions:

(1) A series F bond shall be paid at its face value.

(2) A series G bond shall be paid at its face value together with the final interest due thereon at the rate of $1.25 for each $100 of face value. The total amount payable at maturity for each authorized denomination, including the final interest due, is as follows:

Series G bond authorized denominations:	*Amount payable (face value plus final interest)*
$100	$101.25
$500	506.25
$1,000	1,012.50
$5,000	5,062.50
$10,000	10,125.00

(3) Each bond shall bear on its face, in the upper right portion, a payment stamp setting forth the word "paid" and the amount of the payment (including the final interest on Series G bonds) the date of payment (month, day, year), and the name and location of the paying agent including the ABA transit number or other identifying code approved or assigned by the Federal Reserve Bank of the District (the payment stamp prescribed for use under Part 321 of this subchapter (Department Circular No. 750, Revised) may be used)

(4) The proceeds of each bond shall be disposed of pursuant to the owner's instructions.

(5) Paid bonds shall be forwarded to the Federal Reserve Bank of the District at such time or times pursuant to such instructions as may be prescribed by such Bank, as fiscal agent of the United States.

(6) Each payment shall be subject to the guaranty and liability provisions of § 330.4.

(7) Paying agents shall be subject to such other instructions governing these payments as may be issued by the Federal Reserve Bank of the District, as fiscal agent of the United States.

The Federal Reserve Bank of the District will make immediate settlement, subject to adjustment, with the paying agent for the total amount due on the paid bonds forwarded hereunder by the agent at any one time.

(c) *Payment or exchange of bonds by Federal Reserve Banks; all series*—(1) *General.* All bonds forwarded to a Federal Reserve Bank for payment or exchange under the provisions and conditions of this part must be accompanied by appropriate instructions governing the transaction and the disposition of the redemption checks or the new bonds, as the case may be. The bonds must be kept separate from any bonds the agent may pay and they must be presented in accordance with such instructions as may be issued by the Federal Reserve Bank of the District, as fiscal agent of the United States.

(2) *Payment.* Savings bonds presented to an eligible paying agent for payment which the agent elects to process by special endorsement under the provisions and conditions of this circular (see § 330.3 for bonds eligible to be so processed) must be forwarded to the Federal Reserve Bank of the District for payment (i) if the bonds are not payable under paragraph (a) or (b) of this sec-

tion or (ii) if being payable under paragraph (a) or (b) of this section, the agent does not elect to make the payment.

(3) *Exchange.* Savings bonds which are to be exchanged, in whole or in part, pursuant to an authorized exchange may be processed by an eligible paying agent by special endorsement under the provisions and conditions of this part (see § 330.3 for bonds eligible to be so processed) *Provided,* That each such specially endorsed bond must be forwarded to the Federal Reserve Bank of the District which, as fiscal agent of the United States, is authorized to effect the exchange.

§ 330.9 *Functions of Federal Reserve Banks.* The Federal Reserve Banks, as fiscal agents of the United States, are authorized and directed to perform such duties, and prepare and issue such instructions, as may be necessary to the fulfillment of the purpose and requirements of this part. The Federal Reserve Banks may utilize any or all of their branches in the performance of these duties.

§ 330.10 *Modification of other parts.* The provisions of the regulations in this part shall be considered as amendatory of and supplementary to Parts 315, 316, 318, 321, 322, 329, 332, and 333 of this subchapter (Department Circulars 530, 653, 654, 750, 751, 885, 905, and 906) and any revisions thereof, and those parts are hereby modified where necessary to accord with the provisions in this part.

§ 330.11 *Other parts generally applicable.* Except as provided by the regulations in this part, the parts referred to in § 330.10 will continue to be generally applicable.

§ 330.12 *Supplements and amendments.* The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of the regulations in this part, or of any amendment or supplement thereto.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is found to be unnecessary with respect to this revision, since paying agents are not obligated to adopt the procedures provided under the regulations in this part, as hereby revised.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 53-3233; Filed, Apr. 14, 1953; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulation

PART 406—CONTRACT CLAUSES AND FORMS

PURCHASES FROM STATE PRISONS

The following amendments to 32 CFR Part 406 relate to purchases from state prisons, and are pursuant to Comptroller General Decision No. B-109100, 21 July 1952. Such purchases are exempt from the act of 23 February 1887 (18 U. S. C. 436) and Executive Order 325A, May 18, 1905, when the purchase consists only of finished supplies which may be secured in the open market or from existing stocks as distinguished from supplies requiring special fabrication.

1. Section 406.103-15 is revised as follows:

§ 406.103-15 *Reserved.*

2. The following § 406.104-17 is added:

§ 406.104-17 *Convict labor* In accordance with the requirements of Subpart B of Part 411 of this subchapter, insert the contract clause set forth in § 411.203 of this subchapter.

(R. S. 161; 5 U. S. C. 22)

J. C. HOUSTON, Jr.,
Acting Chairman,
Munitions Board.

[F. R. Doc. 53-3192; Filed, Apr. 14, 1953; 8:45 a. m.]

PART 407—TERMINATION OF CONTRACTS

MISCELLANEOUS AMENDMENTS

The following amendments to Part 407—Termination of Contracts (17 F R. 1791, February 29, 1952), relate to accounting for termination inventory and to termination clauses of fixed-price supply and construction contracts.

1. Section 407.616 (a) (1) is amended by changing the last word in the first line from "of" to "or"

2. Section 407.701 is revised as follows:

§ 407.701 *Termination clause for fixed-price contracts.* The following standard clause shall be used in any fixed-price contract in excess of $1,000, except as otherwise permitted under § 407.705-1, for supplies or experimental, developmental, or research work other than construction, alterations, or repair of buildings, bridges, roads, or other kinds of real property, or experimental, developmental, or research work with educational or non-profit institutions, where no profit is contemplated.

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interests of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall (1) stop work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract as is not terminated. (3) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination; (4) assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated; (5) settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Contracting Officer, to the extent he may require which approval or ratification shall be final for all the purposes of this clause; (6) transfer title and deliver to the Government, in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (ii) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the Government; (7) use its best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in provision (6) of this paragraph: *Provided, however,* That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this Contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest. At any time after expiration of the plant clearance period, as defined in section VIII, Armed Services Procurement Regulation, as it may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept title to such items and remove them or enter into a storage agreement covering the same: *Provided,* That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer its termination claim, in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than two years from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such two-year period or authorized extension thereof. However, if the Contracting Officer determines that the

facts justify such action, he may receive and act upon any such termination claim at any time after such two-year period or any extension thereof. Upon failure of the Contractor to submit its termination claim within the time allowed, the Contracting Officer may determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit on work done. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amounts determined as follows:

(1) For completed supplies accepted by the Government (or sold or acquired as provided in paragraph (b) (7) above) and not theretofore paid for, a sum equivalent to the aggregate price for such supplies computed in accordance with the price or prices specified in the contract, appropriately adjusted for any saving of freight or other charges;

(2) The total of:

(i) The costs incurred in the performance of the work terminated, including initial costs and preparatory expense allocable thereto, but exclusive of any costs attributable to supplies paid or to be paid for under paragraph (e) (1) hereof;

(ii) The cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b) (5) above, which are properly chargeable to the terminated portion of the contract (exclusive of amounts paid or payable on account of supplies or materials delivered or services furnished by subcontractors or vendors prior to the effective date of the Notice of Termination, which amounts shall be included in the costs payable under (i) above).

(iii) A sum equal to 2% of that part of the amount determined under (i) which represents the cost of articles and materials not processed by the Contractor, plus a sum equal to 8 percent of the remainder of such amount, but the aggregate of such sums shall not exceed 6 percent of the whole of the amount determined under subdivision (i) above, which amount for the purpose of this subdivision (ii) shall exclude any charges for interest on borrowings: *Provided, however,* That if it appears that the Contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (iii) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss.

(3) The reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of property allocable to this contract.

The total sum to be paid to the Contractor under (1) and (2) of this paragraph (e) shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor as provided in paragraph (e) (1) and paragraph (e) (2) (i), the fair value, as determined by the Contracting Officer, of property which is destroyed, lost, stolen, or damaged so as to become undeliverable to the Government, or to a buyer pursuant to paragraph (b) (7).

(f) Any determination of costs under paragraph (c) or (e) hereof shall be governed by the Statement of Principles for Consideration of Costs set forth in Part 4 of Section VIII of the Armed Services Procurement Regulation, as in effect on the date of this contract.

(g) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraphs (c) or (e) above, except that if the Contractor has failed to submit its claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (i) If there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted (1) all unliquidated advance or other unliquidated payments on account theretofore made to the Contractor, (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold, pursuant to the provisions of this clause, and not otherwise recovered by or credited to the Government.

(i) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the Contractor may file with the Contracting Officer a request in writing for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the Notice of Termination), and such equitable adjustment as may be agreed upon shall be made in such price or prices.

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition.

(k) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of six years after final settlements under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor but without direct charge to the Government, all its books, records, documents, and other evidence bearing on the costs and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, micro-photographs, or other authentic reproductions thereof.

3. Section 407.702 (b) is revised as follows:

(b) Experimental, developmental, or research work with educational or nonprofit institutions, where no fee is contemplated.

4. In § 407.703, paragraph (e) of the standard clause "Termination for Convenience of the Government" is revised as follows:

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amounts determined as follows:

(1) In respect of all contract work performed prior to the effective date of the Notice of Termination, the total (without duplication of any items) of—

(i) The cost of such work;

(ii) The cost of settling and paying claims arising out of the termination of work under subcontracts or orders as provided in paragraph (b) (5) above, exclusive of the amounts paid or payable on account of supplies or materials delivered or services furnished by the subcontractor prior to the effective date of the Notice of Termination of work under this contract, which amounts shall be included in the cost on account of which payment is made under subdivision (i) above; and

(iii) A sum, equal to 2 percent of the part of the amount determined under subdivision (i) which represents the cost of articles or materials delivered to the site but not incorporated in the work in place on the effective date of the Notice of Termination, plus a sum equal to 8 percent of the remainder of such amount, but the aggregate of such sums shall not exceed 6 percent of the whole of the amount determined under subdivision (i) above, which amount for purposes of this subdivision (iii) shall exclude any charges for interest on borrowings: *Provided, however,* That if it appears that the Contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (iii) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss.

(2) The reasonable cost of the preservation and protection of property incurred pursuant

to paragraph (b) (9) hereof; and any other reasonable cost incidental to termination of work under this contract, including expense incidental to the determination of the amount due to the Contractor as the result of the termination of work under this contract. The total sum to be paid to the contractor under subdivision (1) of this paragraph (e) shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor as provided in paragraph (e) (1), the fair value, as determined by the Contracting Officer, of property which is destroyed, lost, stolen, or damaged so as to become undeliverable to the Government, or to a buyer pursuant to paragraph (b) (7).

(R. S. 161; 5 U. S. C. 22)

J. C. HOUSTON, Jr.,
Acting Chairman,
Munitions Board.

[F R. Doc. 53-3193; Filed, Apr. 14, 1953; 8:45 a. m.]

PART 411—LABOR

MISCELLANEOUS AMENDMENTS

The following amendments to 32 CFR Part 411 relate to the applicability of the "Convict Labor" contract clause, the responsibilities of contracting officers under the Davis-Bacon Act, and the regulations of the Department of Labor in connection with contracts subject to the Copeland Act.

1. Section 411.202 (b) is revised as follows:

(b) Any contract for the purchase of supplies or services from Federal Prison Industries, Inc., or for the purchase from any State prison of finished supplies which may be secured in the open market or from existing stocks as distinguished from supplies requiring special fabrication.

2. Section 411.404 (c) is revised as follows:

(c) Obtain from contractors, and preserve for a period of three years from the date of completion of the contract, weekly payroll records so that such records shall be available for determination as to whether the contractor has complied with the statute.

3. Section 411.503–1 is revised as follows:

§ 411.503–1 *Affidavits.* Every contractor and subcontractor engaged in work subject to the Copeland Act is required to furnish each week to the Contracting Officer, in accordance with regulations issued by the Secretary of Labor, a sworn affidavit with respect to wages paid to its laborers and mechanics and their immediate supervisors. Such affidavits shall be preserved by the Contracting Officer for a period of three years from the date of completion of the contract.

(R. S. 161; 5 U. S. C. 22)

J. C. HOUSTON, Jr.,
Acting Chairman,
Munitions Board.

[F. R. Doc. 53-3194; Filed, Apr. 14, 1953; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

POSTAGE RATES, LIMITS OF WEIGHT, AND DIMENSIONS

In § 127.1 *Postage rates, limits of weight, and dimensions* amend footnote 4 following Table No. 2, by inserting "Spain and Spanish Possessions" after "Salvador (El)"

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ROSS RIZLEY,
Solicitor

[F. R. Doc. 53-3218; Filed, Apr. 14, 1953; 8:51 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PERSIAN GULF PORTS; ECUADOR

a. In § 127.327 *Persian Gulf Ports* make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Bahrein only. Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other regular mail articles, 60 cents for the first 2 ounces and 40 cents for each additional 2 ounces. All other places: Postage rates: 25 cents per half ounce. Air letter sheets, 10 cents each (see § 127.20)

2. Amend paragraph (b) (1) (i) by striking out the tabulated information under the table of surface parcel rates, and inserting in lieu thereof the following:

(ii) Air parcel rates (Bahrein only) $1.35 for the first 4 ounces, and $0.75 for each additional 4 ounces or fraction thereof.

Each air parcel and the regular dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)
Weight limit: 22 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group Shipments: No.
Registration: No.
Insurance: No.
C. o. d.. No.

b. In § 127.243 *Ecuador* make the following changes:

1. Amend paragraph (a) (10) by deleting subdivision (ii) and redesignating subdivision (iii) as (ii).

2. Amend subdivision (i) (c) of paragraph (b) (8) to read as follows:

(c) Uncanceled postage stamps in ordinary mail.

c. The following sections are amended by changing the registration fee from 25 cents to 40 cents:

§ 127.215 (b) (ii).
§ 127.216 (b) (ii).
§ 127.217 (b) (ii).
§ 127.218 (b) (ii).
§ 127.219 (b) (i).
§ 127.230 (b) (ii).
§ 127.231 (b) (ii).
§ 127.234 (b) (ii).
§ 127.235 (b) (ii).
§ 127.242 (b) (ii).
§ 127.273 (b) (ii).
§ 127.274 (b) (ii).
§ 127.285 (b) (i).
§ 127.293 (b) (i).
§ 127.304 (b) (ii).
§ 127.307 (b) (ii).
§ 127.316 (b) (ii).
§ 127.324 (b) (ii).
§ 127.326 (b) (i).
§ 127.328 (b) (ii).
§ 127.336 (b) (4).
§ 127.345 (b) (ii).
§ 127.356 (b) (i) and (ii).
§ 127.357 (b) (i).
§ 127.366 (b) (ii).
§ 127.371 (b) (i).
§ 127.374 (b) (ii).
§ 127.376 (b) (ii).

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ROSS RIZLEY,
Solicitor

[F R. Doc. 53-3219; Filed, Apr. 14, 1953; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10364]

PART 3—RADIO BROADCASTING SERVICES

TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; Docket No. 10364.

1. The Commission has under consideration its notice of proposed rule making issued on January 5, 1953 (FCC 52–1665) and published in the FEDERAL REGISTER on January 13, 1953 (18 F R. 260), proposing to assign Channel 75 to Patchogue, New York, a community not listed in the table of assignments and not within 15 miles of a community so listed. In accordance with the provisions of paragraph 5 of the aforesaid notice of proposed rule making, the time for filing comments therein expired January 26, 1953.

2. American-Republican, Incorporated, Waterbury, Connecticut, opposed the assignment of Channel 75 to Patchogue, New York. American-Republican stated that it had on file with the Commission an application for a television station in Waterbury for Channel 53; that it requested dismissal of this application in order to remove its application from conflict with that of WATR, Inc. for the same channel and in order to bring television to that city at an early date; that on September 25, 1952, the Commission in a memorandum opinion and order, FCC 52–1170, dismissed its petition for a waiver of the "one year rule" and the assignment of Channel 83 to Waterbury; that the assignment of Channel 75 to Patchogue would preclude the future assignment of Channel 83 to

Waterbury and that it planned to file a petition for rule making to assign Channel 83 to Waterbury at the expiration of the "one year rule." American-Republican further urged that the public interest as well as that of all the parties concerned could be served by the assignment of Channel 54 to Patchogue in lieu of Channel 75 and that this assignment would meet all the separation requirements of the rules without making any other changes in the table of assignments.

3. Suffolk Broadcasting Corp. in a reply to the comments of American-Republican urged that American-Republican did not have standing to oppose the assignment of Channel 75 to Patchogue in view of the fact that it did not have an application or a petition pending before the Commission for Channel 83 in Waterbury; that the separation between the Patchogue reference point and the site of WATR-TV at Waterbury on Channel 53 is only 55.6 miles or 0.6 mile in excess of the 55-mile minimum adjacent channel required separation; that the choice of an antenna site for Channel 54 in Patchogue would be limited to the southern portion of Long Island, where no high elevations are available; and that the assignment of Channel 75 to Patchogue would permit the selection of a site north of Patchogue where high elevations are available and where the best possible television service could be afforded to Suffolk County.

4. In the present case we are confronted with a petition to assign Channel 75 to Patchogue, which is consistent with the exception to the one-year rule. It has been opposed by American-Republican on the grounds that such an assignment would be inconsistent with the assignment of Channel 83 to Waterbury (a requested change in the Table which the Commission had previously rejected because it was inconsistent with the one-year rule) and on grounds that a more efficient utilization of frequency space could be achieved by assigning Channel 54 to Patchogue in lieu of Channel 75.

5. The instant case presents the question whether a proposal clearly falling within the exception to the one-year rule should be denied because it is in conflict with a proposal which is equally clearly precluded from present consideration by that rule. The question thus is an almost classic example of why we provided for the exception in the first instant, and why objections of the nature here presented must be denied. We recognized in adopting the table of assignments that there would be some communities not eligible to secure any local television facility because they were neither listed in the Table nor situated within 15 miles of a community so listed. The Commission felt that there was an overriding public interest in affording a first local television station to such communities at the earliest possible moment. Accordingly it provided that where such a first assignment could be made without disturbing existing assignments, it should be permitted without waiting for the expiration of the general one-year period precluding amendments to the Table. On the other hand, one of the principal reasons why the Commission refused to authorize additional channels during the one-year period, in communities already assigned channels in the table—even where such additions could take the form of "drop ins"—was to prevent these larger communities from preempting the available channels to the exclusion of the smaller communities. To reject Patchogue's petition now because it is nonconsistent with a possible future change in the Table to add an additional channel to Waterbury would frustrate the purpose of both the one-year rule and the exception thereto.

6. We think the contention of American-Republican that the assignment of Channel 75 to Patchogue would not make the most efficient possible use of the available channels must also be rejected. For we have not been shown that the assignment of any other channel to Patchogue, consistent with our rules, would permit greater flexibility in the assignments of UHF channels in the general geographic region here involved. American-Republican has indicated that if Channel 54 were to be assigned to Patchogue in lieu of Channel 75, it might be possible to add Channel 83 to Waterbury, whereas this would not be the case if Patchogue receives Channel 75. But Waterbury is only one of the many communities that would be affected by any assignment to Patchogue, and American-Republican has made no showing, whatsoever, that the assignment of Channel 54 to Patchogue might not have an even more restrictive effect upon the utilization in the general area of that, and other affected channels, than would result from the assignment of Channel 75, as proposed.

7. In view of the foregoing, *It is ordered*, That effective 30 days from the publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

Add to table of assignments under the State of New York:

City	*Channel No.*
Patchogue	75

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: April 1, 1953.

Released: April 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 53-3232; Filed, Apr. 14, 1953; 8:55 a. m.]

[Docket No. 10381]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10381.

1. The Commission has under consideration its notice of proposed rule making issued January 30, 1953 (FCC 53-89) and published in the FEDERAL REGISTER on February 10, 1953 (18 F. R. 830), proposing to assign Channel 4 to Fayetteville, West Virginia, a community not listed in the table of assignments and not within 15 miles of a community so listed. It was also proposed to change the offset carrier designation for Channel 4 at Chapel Hill, North Carolina.

2. In accordance with the provisions of paragraph 5 of the aforesaid notice of proposed rule making, the time for filing comments expired on February 27, 1953. Comments opposing the amendment as proposed were filed by WCAE, Inc., Pittsburgh, Pennsylvania, Daily Telegraph Printing Company, Bluefield, West Virginia, and James V. Coste, Hinton, West Virginia.

3. WCAE, Inc. stated that it had on file with the Commission an application for the use of Channel 4 at Irwin, Pennsylvania; that the area in which Channel 4 could be utilized at Irwin was a limited triangle due to the existence of other Channel 4 stations; that the transmitter site as specified in its application is in full compliance with the present rules but would have to be relocated if Channel 4 were assigned to Fayetteville. WCAE, Inc. further states that "* * * it is not known at this time whether aeronautical procedures and land availability * * *" would permit maximum utilization of Channel 4 at Irwin; that if such "* * * aeronautical procedures or non-availability of suitable sites * * *" were to impose limitations on antenna height or result in excessive costs, the effect of the proposed assignment of Channel 4 to Fayetteville would make a second class assignment of Channel 4 at Irwin; and any limitation on the maximum utilization of Channel 4 at Irwin would be inconsistent with the Commission action in making the Irwin assignment. WCAE, Inc., requested that the Commission defer action on the requested assignment of Channel 4 to Fayetteville until a determination is made, following an investigation, that "aeronautical procedures" would not preclude the full utilization of facilities on Channel 4 in the area remaining available for sites at Irwin; and that if a determination is made that the use of antenna height, in the order of 1,000-2,000 feet would be precluded that the Commission either secure agreement from aeronautical authorities to permit the use and approval of such antenna structures—or that the Commission deny the proposal to assign Channel 4 to Fayetteville. WCAE, Inc. further requests that a hearing be ordered in order to afford it adequate opportunity to be heard and present evidence.

4. We find no merit in the objections raised by WCAE to the assignment of Channel 4 to Fayetteville. Our decision with respect to this assignment must be determined on the basis of the needs of the persons in the area for television service and the competing needs of other communities for television service. The record in these proceedings establishes

[1] Commissioner Bartley dissenting and issuing the following statement: "I dissent and favor a notice of proposed rule making in view of the possibility of arriving at a more efficient use of the spectrum."

the need for the first assignment to Fayetteville: And it is not contended that the assignment of Channel 4 to Fayetteville would preclude the use of Channel 4 in Irwin. There is, therefore, no occasion in these proceedings to weigh the comparative needs of these communities for television service. It is only contended that the site proposed by one applicant for Channel 4 in Irwin would have to be relocated in the event Channel 4 is also assigned to Fayetteville and that if so relocated the use of high antenna heights might be precluded. We must reject this contention as the basis for denying the requested assignment of Channel 4 to Fayetteville. The circumstance that a site proposed by a particular applicant may fall short of the minimum separation to a proposed assignment is not a relevant consideration in a rule making proceeding. This is particularly true in Zone I where there is a high concentration of cities and a consequent need and demand for channels in excess of those available. Moreover, it is apparent that sites are presently available in this area which will meet the required 170 mile spacing to Fayetteville. Indeed, two other applicants for the channel in Irwin have specified sites which meet this spacing. Further, possible objection by the aeronautical authorities to the utilization of a particular site with specified height which an applicant may propose is not a relevant consideration in rule making proceedings looking toward the assignment of a channel. Applicants from time to time amend their applications in many respects including the specified sites and heights of their antennas.

5. Daily Telegraph Printing Company opposed the assignment of Channel 4 to Fayetteville on several grounds. It pointed out that the subject assignment would preclude the assignment of Channel 6 to Bluefield [1] and that its previous request for the amendment of §§ 3.606 and 3.610 of the rules to permit the assignment of Channel 6 to Bluefield was denied by the Commission on the basis of the one year rule only. Daily Telegraph argued that the one year rule is a violation of the Administrative Procedure Act; that the assignment of Channel 4 to Fayetteville violates the mandate of section 307 (b) of the Communications Act because it provides a concentration of VHF channels in the south central portion of the station; that the assignment as proposed is only 168.3 miles from the site selected by WCAE, Inc., in its application for Channel 4 in Irwin; that a transmitter site for the operation of Channel 4 in Fayetteville might be located in Zone II and that this circumstance "* * * raises a question as to whether or not an antenna site can be found to avoid [sic] the 190 mile separation requirement necessary to permit the use of Channel 4 in Chapel Hill, North Carolina." The relief requested by Daily Telegraph Printing is as follows: That the Commission rescind the instant notice of proposed rule making, hold the "one year rule" invalid, waive the "one year rule" and institute proceedings looking towards the assignment of Channel 6 to Bluefield and a UHF channel to Fayetteville, issue a Declaratory Order determining the rights of Daily Telegraph to request a VHF channel to Bluefield before June 2, 1953, hold a full hearing to determine a solution of the instant problem, or hold the entire matter in abeyance until June 2, 1953, the expiration of the one year waiting period.

6. We have previously considered the contention that the one year rule is a violation of the Administrative Procedure Act and we have set forth in detail our reasons for rejecting that contention. Robert R. Thomas, Jr., 8 RR 266; American-Republican, Inc., 8 RR 333; Television Channel Assignment to Lafayette, Louisiana, 8 RR 335; Owensboro On The Air, Inc., 8 RR 465; Daily Telegraph Printing Co., 8 RR 645; Memphis Publishing Co., 8 RR 268; Lamar Life Insurance Co., 8 RR 340. No useful purpose would be served by the setting forth once again the bases for this conclusion.

7. The assignment of Channel 4 to Fayetteville would in fact preclude the assignment of Channel 6 to Bluefield. The assignment of any television channel will, of course, preclude or make impossible the assignment of channels elsewhere. As we have pointed out, however, in our decision in the Patchogue case adopted this day the exceptions provided to the one year rule were in recognition of those limited situations where the public interest required consideration of requests for a channel assignment to a community which had not been provided a channel. (Memorandum Opinion and Order, FCC 53-382, Docket No. 10364 adopted April 1, 1953.) Bluefield has been assigned a television channel and is, therefore, not eligible for consideration under the one year rule. Fayetteville has not been assigned a channel and is therefore eligible for consideration under the one year rule. To deny the Fayetteville assignment because of its effect upon possible future assignments in Bluefield would defeat the provisions made for those exceptional circumstances in which the Commission would consider new assignments during the one year period.

8. The remaining contentions of Daily Telegraph Printing Company are without merit. Daily Telegraph argues that the assignment of Channel 4 to Fayetteville violates the mandate of section 307 (b) of the Communications Act. Daily Telegraph does not, however, argue that the assignment of this channel to Fayetteville will not serve a legitimate need or that any other community other than Bluefield which may be considered at this time should be preferred to Fayetteville. The contention that the Channel 4 assignment to Fayetteville is only 168.3 miles from the site selected by WCAE, Inc. in its application for Channel 4 in Irwin is based on the mistaken idea that a site proposed by an applicant is the appropriate measuring point in an assignment proceeding. See § 3.611 (a) (3) of the rules. Finally, the objection that an applicant for Channel 4 in Fayetteville might attempt to locate its transmitter in Zone II with a possible resulting short transmitter to transmitter spacing to another Zone II station is of such a speculative nature as to border on the frivolous. In any event it has no relevancy in this proceeding.

9. James V Coste opposed the assignment of Channel 4 to Fayetteville on the ground that the reception of Channel 3 from WSAZ-TV at Huntington, West Virginia, would be subjected to interference in the area of Hinton and would also necessitate changes in receiving antennas. We find no merit in this contention for the reason that the assignment as proposed meets all the requirements of our rules and standards.

10. In view of the foregoing, the requests of WCAE, Inc., and Daily Telegraph Printing Co. for a hearing and other relief are denied and *It is ordered*, That effective 30 days after publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

Add to table of assignments under the State of West Virginia.

	Channel No.
Fayetteville	4

Amend the table of assignments under State of North Carolina as follows:[1]

	Channel No.
Chapel Hill	*4+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: April 1, 1953.

Released: April 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3230; Filed, Apr. 14, 1953; 8:55 a. m.]

[Docket No. 10383]

PART 9—AERONAUTICAL SERVICES

LIGHTER-THAN-AIR CRAFT FREQUENCIES; AVAILABILITY

In the matter of amendment of Part 9 of the Commission's rules and regulations governing aeronautical services, Docket No. 10383.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of April 1953;

The Commission having under consideration its proposal in the above entitled matter; and

It appearing, that in accordance with the requirements of section 4 (a) of the

[1] Daily Telegraph had requested the assignment of Channel 4 to Beckley, West Virginia, in lieu of Channel 6 and the assignment of Channel 6 to Bluefield. The assignment of Channel 4 to Fayetteville would preclude its assignment to Beckley.

[1] This change required by the addition of Channel 4 to Fayetteville is merely with respect to the offset carrier requirement.

Administrative Procedure Act general notice of proposed rule making in the above entitled matter, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on February 18, 1953 (18 F. R. 962) and that the period provided for the filing of comments has now expired; and

It further appearing, that no objections to the proposed amendments have been filed; and

It further appearing, that the proposed amendments are issued pursuant to the authority of sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective May 1, 1953, Part 9 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: April 3, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Amend §§ 9.315 and 9.611 (a) to read as follows:

§ 9.315 *Lighter-than-air craft frequencies.* The following additional frequencies may be assigned to lighter-than-air craft and to aeronautical stations serving lighter-than-air craft.

3281 kc 6615 kc. 11910 kc.

§ 9.611 *Frequencies available.* (a) The frequencies 3281 kilocycles, 123.1, 123.3 and 123.5 megacycles are available for ground and aircraft flight test stations (the very high frequencies are shared with flying school stations on a non-interference basis)

NOTE: Eliminate existing footnote applicable to section 611 (a).

[F. R. Doc. 53-3229; Filed, Apr. 14, 1953; 8:54 a. m.]

[Docket No. 10305]

PART 14—RADIO STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 14 of the rules governing Radio Stations in Alaska to delete the frequency 3092.5 kc from those available to stations in the fixed public service in Alaska; and modification of licenses of fixed stations licensed or authorized to operate on certain frequencies in the frequency bands allocated to the aeronautical mobile (OR) service between 2850 and 20,000 kc; Docket No. 10305.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of April 1953;

The Commission having under consideration the matter of bringing into use in accordance with the Geneva (1951) Agreement the aeronautical mobile (OR) service frequency bands allocated to that service in the Atlantic City Table of Frequency Allocations;

It appearing, that the frequency 3092.5 kc should be deleted from among the frequencies shown in Part 14 of the Commission's rules as available for assignment to stations in the Fixed Public Service in Alaska in order to preclude harmful interference to use of the aeronautical mobile (OR) service frequency bands; and

It further appearing, that in connection with Docket No. 10305 formal notice of the Commission's intention to delete the said frequency was given to each affected licensee and an opportunity was afforded each such licensee to comment thereon and that no objection to deletion of the frequency 3092.5 kc was received although one licensee requested that a substitute frequency be provided; and

It further appearing, that the substitute frequency 3211 kc will be made available for assignment to the Fixed Public Service in Alaska as soon as clearance of the frequency can be completed and that pending such clearance other frequencies are now available under the Commission's rules for the Fixed Public Service in Alaska; and

It further appearing, that the licenses of the stations involved in any such deletion expired on January 1, 1953, and are now pending for renewal, and that in view of this fact no necessity exists for modifying the existing licenses and the public interest would be served by immediately amending Part 14 of the Commission's rules to delete the frequency 3092.5 kc from availability to the Fixed Public Service in Alaska so that existing licenses may be renewed in accordance with the revised provisions of the Commission's rules at the earliest possible moment; and

It further appearing, that under the foregoing circumstances, compliance with the notice provisions of section 4 (a) of the Administrative Procedure Act would be contrary to the public interest and that the change in the rules should be made effective immediately;

It is ordered, That effective immediately, and under the authority contained in sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended, § 14.15 of the Commission's rules is amended by deleting from the frequencies listed therein the frequency 3092.5 kc.

It is further ordered, That the proceedings in connection with Docket No. 10305 regarding the frequency 3092.5 kc are hereby terminated without further action.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1032, as amended; 47 U. S. C. 303)

Released: April 3, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3231; Filed, Apr. 14, 1953; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 729]

PEANUTS

NOTICE OF INTENTION TO FORMULATE AND ISSUE REGULATIONS GOVERNING MARKETINGS, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS FOR 1953 CROP

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. and Sup. 1301, 1358–1359, 1372–1375; Pub. Law 285, 82d Cong., approved March 28, 1952) the Secretary of Agriculture is preparing to formulate marketing quota regulations governing the issuance of marketing cards, the identification of peanuts, the collection and refund of penalties, and the records and reports incident thereto on the marketing of peanuts for the 1953–54 marketing year. It is proposed that the regulations will be substantially the same as the 1952-crop regulations (17 F. R. 4317)

Prior to issuance of such regulations, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Fats and Oils Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 10th day of April 1953.

[SEAL] HOWARD H. GORDON,
Administrator.

[F. R. Doc. 53-3252; Filed, Apr. 14, 1953; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10434]

RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing

television broadcast stations; Docket No. 10434.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In accordance with a petition filed by the Western Massachusetts Educational Television Council, Amherst, Massachusetts, on March 16, 1953, and now made part of this docket, and it appearing that the petition complies with § 3.609 of the Commission's rules in that it proposes assignments of television channels and their reservation for noncommercial educational use in communities which do not have such television channels assigned, it is proposed to amend § 3.606 *Table of assignments,* rules governing television broadcast stations, as follows:

a. Add to table of assignments under the State of Massachusetts:

	Channel No.
Amherst	*82

b. Amend the table of assignments with respect to North Adams, Mass. to read as follows:

	Channel No.	
North Adams	74+	*80+

3. The purpose of the proposed amendment is to provide television channels reserved for noncommercial educational use in the communities named in paragraph 2 above not otherwise available under the rules.

4. Authority for the adoption of the proposed amendments is contained in sections 4 (i) 301, 303 (c) (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before April 20, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 1, 1953.

Released: April 3, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3221; Filed, Apr. 14, 1953; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 498, Amdt. 1]

CERTAIN CLASSES OF EMPLOYEES

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS AND LEASES

APRIL 9, 1953.

Order No. 498 is amended to read as follows:

SECTION 1. *Authority of certain officers to enter into contracts and leases.* (a) Pursuant to the authority contained in sections 50 and 52 of Order No. 2509, Amendment No. 16, July 18, 1952, of the Secretary of the Interior, the following classes of employees are authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amounts,[1] and leases of space in real estate as provided in those sections:

Regional Administrators.
Chief, Division of Administration.
Regional Chiefs, Division of Administration.
Chief, Branch of Administrative Services, Division of Administration.

(b) The following classes of employees are authorized, subject to approval of the Regional Administrator, to enter into such contracts when the amount in any one contract does not exceed $2,000.

Regional Procurement and Supply Officers.
Regional Chiefs, Division of Forestry.
District Foresters.
Managers, Land Offices.
Managers, Land and Survey Offices.
Range Managers.
Chiefs, Cadastral Survey Parties.
Superintendent Squaw Butte Experimental Station.

These classes of employees are also authorized to enter into leases for space, subject to the limitations provided in section 52, supra.

(c) Contracts and leases entered into under this authority must conform with applicable regulations and statutory requirements and are subject to the availability of appropriations.

SEC. 2. *Negotiation of contracts with educational institutions.* (a) Pursuant to the authority contained in Order No. 2713, of January 13, 1953, the Regional Administrators are authorized to negotiate, without advertising, pursuant to section 302 (c) (5) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 1946 ed., Supplement V sec. 252) contracts for services to be rendered by any university, college, or other educational institution, in connection with programs and activities of the Region.

(b) This authority shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration.

SEC. 3. *Revocation.* Orders Nos. 308 of June 18, 1948, 313 of June 21, 1948 and 464 of March 14, 1952, are revoked.

MARION CLAWSON,
Director

[F. R. Doc. 53-3195; Filed, Apr. 14, 1953; 8:46 a. m.]

[1] Where the amount involved is in excess of $10,000, advance approval by the Office of the Secretary of the Interior is required, in accordance with the Secretary's memorandum of February 13, 1953.

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below: conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951, 16 F R. 12043, and June 2, 1952; 17 F R. 3818)

Alcorn Manufacturing Co., Inc., Rienzi, Miss., effective 4-1-53 to 9-30-53; 20 learners for expansion purposes (sport shirts).

Bastian Sportswear, Inc., Bastian, Va., effective 4-1-53 to 8-18-53; 20 additional learners for expansion purposes (supplemental certificate) (children's sportswear).

Clayburne Manufacturing Co., Inc., Clayton, Ga., effective 4-1-53 to 9-30-53; 120 additional learners for expansion purposes (supplemental certificate) (men's dress and sport shirts).

Gopher Manufacturing Co., Buffalo, Minn., effective 4-2-53 to 4-1-54; 10 percent of the productive factory force or 10 learners, whichever is greater (pants, shirts, pajamas, etc.).

Greenway Manufacturing Co., Waynesburg, Pa., effective 4-4-53 to 4-3-54; 10 percent of the productive factory force (boys' and infants' cotton polo shirts).

G. H. Hess, Inc., 1420 Market Street, Wheeling, W. Va., effective 4-3-53 to 4-2-54; 5 learners (ladies' dresses).

Hickory Flat Manufacturing Co., Hickory Flat, Miss., effective 4-10-53 to 4-9-54; 10 percent of the productive factory force (cotton work shirts).

I. B. S. Manufacturing Co., New Albany, Miss., effective 4-10-53 to 4-9-54; 10 percent of the productive factory force (cotton sport shirts).

Linwood Outerwear, Inc., 11 Court Square, West Plains, Mo., effective 4-2-53 to 4-1-54; 10 learners. This certificate does not authorize the employment of learners at subminimum wage rates in the production of men's topcoats (men's raincoats, sportswear).

Mar-Ann Dress Co., Inc., 120 North State Street, Ephrata, Pa., effective 4-12-53 to 4-11-54; 5 learners (children's dresses).

Mary Ann Manufacturing Division, 268 West Broadway, Mauch Chunk, Pa., effective 4-4-53 to 4-3-54; 10 percent of the productive factory force (women's dresses).

Nettleton Garment Co., Nettleton, Miss., effective 4-6-53 to 4-5-54; 10 percent of the productive factory force (men's and boys' cotton work pants).

Norann Manufacturing Co., Inc., 140 East Center Street, Nesquehoning, Pa., effective 4-9-53 to 4-8-54; 10 percent of the productive factory force (dresses).

North Shore Manufacturing Co., 525 Lake Avenue, S., Duluth, Minn., effective 4-3-53 to 4-2-54; 10 percent of the productive factory force (ladies' and children's jackets, etc.).

Phillips-Jones Factory, Minersville, Pa., effective 4-23-53 to 4-22-54; 10 percent of the productive factory force (men's sport shirts).

Shelburne Shirt Co., Inc., 69 Alden Street, Fall River, Mass., effective 4-9-53 to 4-8-54; 10 percent of the productive factory force (men's dress and sport shirts).

The Shirtcraft Co., Inc., 633 McKinley Street, Hazleton, Pa., effective 4-15-53 to 4-14-54; 10 percent of the productive factory force (dress and sport shirts).

Shreveport Garment Manufacturers, 410-420 Commerce Street, Shreveport, La., effective 3-31-53 to 9-30-53; 40 learners for expansion purposes (denim dungarees for girls, denim boxer longies).

Shriner Manufacturing Co., Woodsboro, Md., effective 4-5-53 to 4-4-54; 10 learners (men's wool, rayon, and cotton pants).

C. F. Smith Co., 1901 First Street, San Fernando, Calif., effective 4-1-53 to 9-30-53; 10 additional learners for expansion purposes (sport shirts).

C. F. Smith Co., 1901 First Street, San Fernando, Calif., effective 4-1-53 to 3-31-54; 10 percent of the productive factory force (sport shirts).

Southern Manufacturing Co., Plant No. 2, 1202 Broadway, Nashville, Tenn., effective 4-11-53 to 4-10-54; 10 percent of the productive factory force (sport shirts).

H. B. Spoont, 12-18 East Coal Street, Shenandoah, Pa., effective 4-2-53 to 10-1-53; 10 learners for expansion purposes (ladies' shorts, pedal pushers, cotton blouses).

Bea Young, Division of Smoler Bros. Inc., Herrin, Ill., effective 4-3-53 to 10-2-53; 100 learners for expansion purposes (cotton dresses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951, 16 F. R. 10733).

Crown Hosiery Mills, Inc., 426 South Hamilton Street, High Point, N. C., effective 4-6-53 to 4-5-54; 5 percent of the productive factory force.

Elizabeth City Hosiery Mills, Elizabeth City, N. C., effective 4-3-53 to 4-2-54; 5 percent of the productive factory force.

Granite Hosiery Mills, Mount Airy, N. C., effective 4-3-53 to 4-2-54; 5 percent of the productive factory force.

Harris-Marshall Hosiery Mills, Inc., Galax, Va., effective 4-3-53 to 4-2-54; 5 percent of the productive factory force.

John-Massey Hosiery Co., Valdese, N. C., effective 4-3-53 to 4-2-54; 5 learners.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

McCutchen Manufacturing Co., Inc., 308 West Willow Street, Scottsboro, Ala., effective 4-3-53 to 10-2-53; 15 learners for expansion purposes (swim trunks, walking shorts, hobby jeans).

Royal Manufacturing Co., Inc., Alburtis, Pa., effective 4-11-53 to 4-10-54; 5 percent of the productive factory force (men's knitted underwear).

Taylor Manufacturing Co., Greensburg Road, Campbellsville, Ky., effective 4-22-53 to 4-21-54; 5 percent of the productive factory force (men's and boys' knit underwear).

Union Underwear Co., Inc., Bowling Green, Ky., effective 4-15-53 to 4-14-54; 5 percent of the productive factory force (men's and boys' shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Palm Beach Co., Bourne Avenue, Somerset, Ky., effective 4-19-53 to 4-18-54; 7 percent of the productive factory force; machine operators (except cutting), hand sewers, pressers; each 480 hours; 65 cents per hour for the first 240 hours and 70 cents per hour for the remaining 240 hours (men's palm beach coats).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 6th day of April 1953.

MILTON BROOKE,
Authorized Representative of the Administrator

[F. R. Doc. 53-3196; Filed, Apr. 14, 1953; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8363, 10447]

WHEC, INC., AND VETERANS BROADCASTING CO., INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING

In re applications of WHEC, Inc., Rochester, New York, Docket No. 8968, File No. BPCT-326; Veterans Broadcasting Company, Inc., Rochester, New York, Docket No. 10447, File No. BPCT-833; for construction permits for a new television broadcasting station.

1. The Commission has before it for consideration (a) a protest filed on March 17, 1953, pursuant to section 309 (c) of the Communications Act, as amended, by Federal Broadcasting System, Inc., licensee of Station WSAY, Rochester, New York, directed against the Commission's action of March 11, 1953, granting without a hearing the above-entitled applications; and (b) a "Reply and Motion to Strike Protest to to Grant of Applications, and Request for Hearing" and Motion to Return Application of Federal Broadcasting System, Inc. to Applicant," filed on March 27, 1953, by the above-entitled permittees.[1] Set forth below as "Appendix A" is a copy of section 309 (c) of the Communications Act.

2. To place the facts in their proper perspective, it is necessary to set forth the matters leading to the action taken by the Commission on March 11, 1953. Prior to March 4, 1953, the applications of WHEC, Inc. and Veterans Broadcasting Company, Inc., for a construction permit for a new television broadcast station to operate on Channel 10 at Rochester, New York, were mutually exclusive and they were the only applications on file for that channel. On March 4, 1953, WHEC, Inc. and Veterans Broadcasting Company, Inc. filed amendments to their applications which, among other things, requested permission to share time with one another in the use of the station proposed by each. The Commission, on March 9, 1953, released a Public Notice (Report No. 4464) which advised, among other things, that the above-mentioned amendments had been accepted for filing. On March 11, 1953, the Commission granted the above-entitled applications, both to operate on Channel 10 on a share-time basis. No other applications for Channel 10 were pending at the time of the Commission's action. It is to be noted that protestant, on March 17, 1953, tendered for filing its application for a new television broadcast station to operate on Channel 10 at Rochester.

3. In support of its protest, protestant asserts that it is a party in interest within the meaning of section 309 (c) of the Communications Act of 1934, as amended, "first, because the grants do not become final until the expiration of the

[1] On March 31, 1953, protestant filed a reply to the Motion to Strike Protest.

30-day period following the grants and petitioner has filed a mutually exclusive application; second, the failure of the Commission to make adequate announcement of the amendments, which made the applications eligible for a grant without a hearing, deprived petitioner of due process; and, third, both as an applicant for television facilities in Rochester and the licensee of a standard broadcast station in Rochester, petitioner has an economic interest in the grants which is antithetical to WHEC, Inc., and Veterans Broadcasting Company, Inc. under the doctrine of Sanders vs. Federal Communication Commission, 309 U. S. 470." Protestant states that difficulties in obtaining a satisfactory transmitter site prevented it from filing many months ago an application for Channel 10 at Rochester. It is urged that since the above-entitled applications were mutually exclusive "under Commission procedure there was no reason to expect a final decision or a hearing on either application for many months, perhaps years." It is further asserted that "because of the lack of public notice by the Commission of the tender of the amendments specifying a sharing-time arrangement for the stations proposed by WHEC and Veterans until scarcely 40 hours before the grant of the applications, petitioner had insufficient time to complete the application then in preparation." Protestant recites that it is aware of the provisions of § 1.382 (b) of the Commission's rules which require that to be considered mutually exclusive with applications on file an application must be filed not later than the close of business on the day preceding the day on which the Commission takes action.

4. In their joint opposition to the protest of Federal Broadcasting System, Inc., WHEC, Inc. and Veterans Broadcasting Company, Inc. urge, in substance, that Federal is not a party in interest under the Sanders case since its naked allegation that as a radio station licensee it will be economically injured by the grant of a television application does not confer standing upon it; that Federal cannot assert that it had insufficient notice that the amendments to the subject applications had been filed, for the Commission is not required to set aside amended applications for a protracted period of time to await the filing of competing applications; that Federal has no standing to complain of the grant of the subject applications as an applicant because it was not an applicant for the channel at the time of the grants, and it cannot now claim rights to a comparative hearing under a theory that "because a grant remains subject to protest for a period of thirty days an application filed subsequent to the grant (but within the thirty days period) is entitled to comparative consideration with the application which has been granted"; and that Federal does not meet the requirements of section 309 (c) in that it does not specify with particularity the facts, matters and things relied upon in support of its protest.

5. In light of the fact that protestant is the licensee of a standard broadcast station in Rochester and that it asserts that it has "an economic interest in the grants which is antithetical to WHEC, Inc., and Veterans Broadcasting Company, Inc., under the doctrine of Sanders vs. Federal Communications Commission, 309 U. S. 470," we are of the view that protestant is a party in interest within the meaning of section 309 (c) In re Application of Versluis Radio and Television, Inc., FCC 53-314, adopted March 23, 1953. We base our decision on the consideration just stated and not on any other allegation made by the protestant.

6. We have decided above that protestant, alleging economic injury as a licensee of a standard broadcast station in Rochester, has standing herein as a party in interest. However, we think, that protestant, when it requests that the subject applications be designated for hearing in a consolidated proceeding with its application, misconceives the purpose and requirements of section 309 (c) Section 309 (c) does not say that upon the filing of a protest which meets the requirements of that section, the Commission's action will be vacated or set aside; section 309 (c) provides that "the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing." Cf. KFAB Broadcasting Co. vs. Federal Communications Commission, 177 F 2d 40.

7. Accordingly, in view of the foregoing: *It is ordered,* That, effective immediately, the effective date of the grants of the above-entitled applications is postponed pending final determination by the Commission with respect to the protest of Federal Broadcasting System, Inc., and that pursuant to the provisions of section 309 (c) of the Communications Act, as amended, said applications are designated for hearing at a time and place, and upon appropriate issues, to be designated by further order of the Commission.

Adopted: April 1, 1953.

Released: April 3, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX A

SECTION 309 (c)

(c) When any instrument of authorization is granted by the Commission without a hearing as provided in subsection (a) hereof, such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period any party in interest may file a protest under oath directed to such grant and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a party in interest and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. The Commission shall, within fifteen days from the date of the filing of such protest, enter findings as to whether such protest meets the foregoing requirements and if it so finds the application involved shall be set for hearing upon the issues set forth in said protest, together with such further specific issues, if any, as may be prescribed by the Commission. In any hearing subsequently held upon such application all issues specified by the Commission shall be tried in the same manner provided in subsection (b) hereof, but with respect to all issues set forth in the protest and not specifically adopted by the Commission, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant. The hearing and determination of cases arising under this subsection shall be expedited by the Commission and pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

[F. R. Doc. 53-3223; Filed, Apr. 14, 1953; 8:52 a. m.]

[Docket Nos. 9845, 10385, 10386, 10387]

TELANSERPHONE, INC., ET AL.

ORDER POSTPONING HEARING

In re applications of Telanserphone, Inc., Chicago, Illinois, Docket No. 9845; File No. 7240-C2-P-E; Arthur Optner, Chicago, Illinois, Docket No. 10385, File No. 499-C2-P-52; Ward C. Rogers, Chicago, Illinois, Docket No. 10386, File No. 1189-C2-P-52; New York Technical Institute of Cincinnati, Inc., Chicago, Illinois, Docket No. 10387, File No. 1292-C2-P-52; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Commission, having under consideration a petition of Telanserphone, Inc., filed March 25, 1953, requesting that the hearing herein presently scheduled for April 27, 1953, be continued until May 25, 1953, or June 1, 1953; and

It appearing, that no opposition to the petition has been filed with the Commission;

It is ordered, That 1st day of April 1953, that the hearing herein is postponed until June 1, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3222; Filed, Apr. 14, 1953; 8:51 a. m.]

[Docket Nos. 10340, 10341]

MARIA HELEN ALVAREZ AND CAL TEL CO.

NOTICE OF HEARING

In re applications of Maria Helen Alvarez, Sacramento, California, Docket No. 10340, File No. BPCT-1041, Ashley L. Robison and Frank E. Hurd, d/b as Cal Tel Company, Sacramento, California, Docket No. 10341, File No. BPCT-1330; for construction permits for new commercial television stations.

Notice is hereby given that a hearing in the above-entitled proceedings will be

held in Washington, D. C., at 9:00 a. m., April 15, 1953.

Dated this 2d day of April 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3228; Filed, Apr. 14, 1953; 8:54 a. m.]

[Docket No. 10376]

BUCCANEER LINE, INC.

ORDER CONTINUING HEARING

In the matter of Buccaneer Line, Inc., Jacksonville, Florida, Docket No. 10376, File No. 1286-C3-P-52; construction permit for new pt/pt radiotelephone station (Points of Communication: Colonia, Yucatan, Mexico; Zoh Leguna, Campeche, Mexico; Sac Xaan, Quintana Roo, Mexico).

Pursuant to a joint oral request made by the parties to this proceeding, and supported by the Commission's Common Carrier Bureau, for an indefinite continuance of the hearing on the above-entitled application;

It appearing, that the hearing is scheduled to commence on April 14, 1953, at Washington, D. C., and that a prehearing conference was held with representation on behalf of all the parties on March 30, 1953, in the office of the undersigned Examiner; and

It further appearing, that the applicant, Buccaneer Line, Inc., has been engaged in conversations with American Telephone and Telegraph Company looking toward a possible establishment of communications between Jacksonville, Florida, and certain points on the Yucatan peninsula in Mexico through interconnection of existing facilities now operating in the United States and in Mexico; and

It further appearing, that the parties should have a reasonable time in which to find means of utilizing such existing facilities before a hearing is held on the proposal of Buccaneer Line, Inc., to establish a new fixed international point-to-point service; and

It further appearing, that A. T. & T. will report to the Examiner, the applicant, and the Common Carrier Bureau, not later than June 15, 1953, as to such progress as may have been made toward securing service;

It is ordered, This 31st day of March 1953, that the hearing is continued indefinitely pending further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3227; Filed, Apr. 14, 1953; 8:53 a. m.]

[Docket Nos. 10422, 10423]

LOUIS WASMER AND TELEVISION SPOKANE, INC.

ORDER AMENDING ISSUES

In re applications of Louis Wasmer, Spokane, Washington, Docket No. 10422, File No. BPCT-920; Television Spokane, Inc., Spokane, Washington, Docket No. 10423, File No. BPCT-1037; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of April 1953;

The Commission having under consideration a petition filed March 18, 1953, by Louis Wasmer requesting deletion and modification of certain issues specified by the Commission's order of March 4, 1953, designating the above-entitled applications for consolidated hearing; and an answer to the subject petition, filed March 30, 1953, by the Chief of the Commission's Broadcast Bureau; and

It appearing, that by the aforementioned order of designation the Commission specified issues, among others, to determine the precise geographic coordinates of the television antenna site proposed by Louis Wasmer; to determine whether the location of the television antenna proposed by Louis Wasmer would adversely affect the ability of Station KREM, Spokane, Washington, to operate in accordance with the terms of its license; and to determine whether either of the above-named applicants is financially qualified to construct and operate as proposed; and

It further appearing, that on March 16, 1953, Louis Wasmer was granted leave to amend his above-entitled application to include, among other things, his current balance sheet and modified and additional engineering information; that petitioner Wasmer alleges that, by virtue of the aforesaid amendment, he has fully met Issue 1 (geographic coordinates), Issue 2 (adverse effect on KREM) and Issue 3 (financial qualifications) as it pertains to him, and that, therefore, Issues 1 and 2 should be deleted from the aforementioned order of designation and Issue 3 should be modified so as to make it unnecessary for the petitioner to prove his financial qualifications at the hearing; and

It further appearing, that by the aforesaid amendment Wasmer (a) has correctly designated the geographic coordinates of his proposed antenna site and has, therefore, fully satisfied Issue 1, and (b) has shown sufficient sums in net quick assets and net proprietor's capital to cover the cost of constructing the proposed station and operating for one year and has, therefore, established that he is financially qualified to construct and operate as proposed; and

It further appearing, that there is now on file with the Commission an appropriate application for modification of the antenna structure of Station KREM; that the considerations pertinent to Issue No. 2 can be treated in conjunction with said KREM application; and that, should petitioner's application be granted in the instant proceeding, the problem of whether the proposed television antenna would adversely affect the operation of Station KREM can be resolved by an appropriate condition to such grant; and

It further appearing, that the Commission's Broadcast Bureau has indicated that it does not oppose the relief requested by the subject petition, but that, because the aforesaid amendment shows an increase in the height of the tower proposed by Louis Wasmer, it is requested that Issue No. 4 be enlarged so as to require a determination as to whether the installation now proposed by Wasmer would constitute a hazard to air navigation; and

It further appearing, that the time for filing pleadings responsive to the subject petition has expired and no such pleadings, other than the aforementioned Answer of the Commission's Broadcast Bureau, have been filed;

It is ordered, That the above-described petition of Louis Wasmer, and the above-described request of the Commission's Broadcast Bureau are granted; and

It is further ordered, That the Commission's order of March 4, 1953, designating the above-entitled applications for hearing is amended by deleting the issues presently specified therein and by substituting therefor the following issues:

1. To determine whether Television Spokane, Inc. is financially qualified to construct and operate the proposed station.

2. To determine whether the installation and operation of the station proposed by either of the above-named applications would constitute a hazard to air navigation.

3. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications with particular reference to the following:

(a) The background and experience of each of the above-named applicants having a bearing on his ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: April 3, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3224; Filed, Apr. 14, 1953; 8:52 a. m.]

[Docket No. 10424, 10425]

RADIO FORT WAYNE, INC., AND ANTHONY WAYNE BROADCASTING

MEMORANDUM OPINION AND ORDER ENLARGING ISSUES

In re applications of Radio Fort Wayne, Inc., Fort Wayne, Indiana, Docket No. 10424, File No. BPCT-1040; James R. Fleming and Paul V. McNutt, d/b as Anthony Wayne Broadcasting, Fort Wayne, Indiana, Docket No. 10425, File No. BPCT-1400; for construction permits for new television stations.

1. By Commission Order dated March 4, 1953, the applications of Radio Fort Wayne (Docket No. 10424) and of Anthony Wayne Broadcasting (Docket No. 10425) were designated for consolidated hearing, scheduled to commence on April 6, 1953, upon the following issues:

1. To determine the precise geographic coordinates of the television antenna site proposed by Radio Fort Wayne, Inc.

2. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

3. To determine on a comparative basis which of the operations proposed would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

In accordance with the procedure prescribed in recently adopted § 1.841 of the rules, the hearing will commence on the scheduled date with a conference between the Hearing Examiner and representatives of all parties, "looking toward agreement on all matters raised with respect to the conduct of the hearing."

2. On March 17, 1953, Anthony Wayne Broadcasting filed a petition to enlarge or clarify the foregoing issues. Specifically, it requests (1) that Issue 3 (b) "be clarified by construing it as permitting the introduction of evidence on the populations and areas proposed to be served by the applicants respectively as constituting a factor in determining the comparative merits, under the statutory standard, of the proposals; or, in the alternative, that there be added as issue 3 (d) a paragraph reading: "The extent and population characteristics of the area proposed to be served by each of the above-entitled applicants"·

and (2) that Issue 3 (a) "be clarified by construing the language thereof to permit introduction or education of evidence on, and determination of, the issue as to whether granting the application of one or the other applicant will implement the statutory mandate requiring the Commission to promote competition by placing in diverse hands the services of standard radio and television at Fort Wayne; or, in the alternative, that there be included as issue 3 (e) a paragraph reading: "The extent to which the granting of one or the other of the above-entitled applications will or may tend to reduce competition between standard radio and television services in the Fort Wayne area, and the effect of such reduction on programming and service."

3. Particularly with respect to proposed issue 3 (d) Anthony Wayne Broadcasting contends, in effect, that the comparative issue (Issue 3 in the order of March 4, 1953) is not the general type of comparative issue used by the Commission prior to the recent amendment of the rules,[1] but is by its very language of limited rather than broad scope. As noted, Issue 3 (b) now calls for comparison of the proposals "with respect to * * * management and operation." Petitioner feels "that this language does not clearly permit introduction of evidence of the type which the Westinghouse case (8 R.R. 381) * * *[2] holds admissible and of potential materiality," and therefore asks "that this issue be either construed as including within the scope of the words 'management and operation' the matter of area and population proposed to be served; or, if this is not done, that the additional issue set forth above (3 (d)) be added."

4. In connection with its assertions that the coverage differences between its proposal and that of Radio Fort Wayne are significant in a comparison of the applications, petitioner points to the following factors:

	Petitioner's proposal	Radio Fort Wayne's proposal
Antenna height above average terrain.	643 feet	432 feet.
Effected radiated power.	220 kilowatts	99.1 kilowatts.
Location of grade A contour.	27½ miles	18.5 miles.
Location of grade B contour.	41 miles	30 miles.

5. As to the asserted significance of competition as an element of comparison in this case, petitioner points to the fact that Radio Fort Wayne is the owner of a standard broadcast station in Fort Wayne, whereas petitioner has no radio interests.

6. On March 25, 1953, Radio Fort Wayne filed a motion to dismiss Anthony Wayne Broadcasting's petition. Radio Fort Wayne has requested that the petition be dismissed "on the grounds that the petition is premature and in contravention of the newly established procedure to speed action on competing applications enunciated in § 1.841 of the Commission's rules." On March 27, 1953, the Broadcast Bureau filed an answer to the instant petition of Anthony Wayne Broadcasting.

7. It is clear that present Issue 3 (b) the only one which has any conceivable connection with the matter, does not permit the introduction of comparative coverage evidence. In line with the Commission's general purpose to expedite hearings, it was not intended that evidence of this kind be adduced unless an express issue on the point were added.

[1] The general comparative issue formerly used reads as follows: "To determine on a comparative basis which, if either, of the above applications should be granted."

[2] In the cited case, at p. 383, the Commission said: "* * * significant differences between predicted areas and populations within the respective Grade A and B contours may sometimes be material as an element to be considered in choosing between applicants."

In view of the allegations of petitioner (See Par. 4 above), we are of the opinion that the following issue should be added to those already designated in Issue 3 (See Par. 1 above) "(d) The engineering proposals of the applicants."

In connection with our action including the foregoing issue, however, we reiterate all of the views which we discussed in the Westinghouse Memorandum Opinion and Order, 8 RR 381, which should be considered as if set out at length herein.

8. There is no necessity, however, to add to the present issues to permit the introduction of evidence regarding competition or diversification of communication media. But as petitioner has evinced doubt on this point, we wish to dispel any uncertainty and to make it clear that matters such as those urged here by petitioner, with respect to competition and diversification, are within the scope of Issue 3 (a) In this connection we wish to emphasize that comparative matters such as these are precisely those with which the Commission was concerned when, in amending § 1.841 of the rules, it directed the Examiner, the parties and Commission counsel to strive to resolve matters pertaining to the disposition of the hearing, including the clarification of the issues. Were it not for the fact that the question here presented by the petitioner has been raised for the first time before the Commission, we would have dismissed the request for clarification, for it is the type of matter intended to be taken up during the conference procedure provided for by § 1.841. We trust that the above views will serve as guidance to applicants, and that they will not file with the Commission petitions for clarification of issues which can be discussed in conference before the Examiner.

9. Accordingly *It is ordered,* This 2d day of April 1953, that the above-described petition is granted to the extent heretofore indicated, and that Radio Fort Wayne's motion to dismiss is denied; and that Issue 3 in the proceeding is enlarged to include the following issue: "(d) The engineering proposals of the applicants."[3]

Released: April 3, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

[F. R. Doc. 53-3225; Filed, Apr. 14, 1953; 8:52 a. m.]

[Docket Nos. 9041, 10240]

ALADDIN RADIO & TELEVISION, INC., AND DENVER TELEVISION CO.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m. on Thursday, April 23, 1953, the Commission will hear oral argument in Room 6121, on the following matter:

[3] We again stress our views in the Westinghouse case, 8 RR 381, as though they were fully set forth herein.

ARGUMENT No. 1

Docket No.. 9041 BPCT-426	New----	Aladdin Radio & Television, Inc., Denver, Colo.	C. P.----	Ch. No. 7, 174-180 Mcs. ERP: Vis. 316 kw. Aur. 158 kw, unlimited.
10240 BPCT-951	New----	Denver Television Co.----------	C. P.----	Ch. No. 7, 174-180 Mcs. ERP: Vis. 316 kw, Aur. 158 kw, unlimited.

Dated: April 2, 1953.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3226; Filed, Apr. 14, 1953; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27972]

VARIOUS COMMODITIES FROM TRUNK-LINE TERRITORY TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by C. W Boin, Agent, for carriers parties to his tariff ICC No. 968, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities in carloads.

From: Points in trunk-line territory.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-3211; Filed, Apr. 14, 1953; 8:49 a. m.]

[4th Sec. Application 27973]

STEEL ROOFING FROM EAST ST. LOUIS, ILL., TO SPRINGFIELD, MO.

APPLICATION FOR RELIEF

APRIL 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for the Missouri Pacific Railroad Company.

Commodities involved: Steel roofing, carloads.

From: East St. Louis, Ill., and points in switching district.

To: Springfield, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers.

Schedules filed containing proposed rates: C. J. Hennings, Alt. Agent, ICC No. A-3614, supl. 159.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-3212; Filed, Apr. 14, 1953; 8:49 a. m.]

[4th Sec. Application 27974]

LIQUID CAUSTIC SODA FROM MCINTOSH, ALA., TO KENTUCKY, VIRGINIA AND TENNESSEE

APPLICATION FOR RELIEF

APRIL 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: McIntosh, Ala.

To: Ashland, and Catlettsburg, Ky., Bristol, Va.-Tenn., Covington, Hopewell, Newport News and Norfolk, Va.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1295, supl. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3213; Filed, Apr. 14, 1953; 8:49 a. m.]

[4th Sec. Application 27975]

IMPORTED NEWSPRINT PAPER FROM VIRGINIA, SOUTH ATLANTIC AND GULF PORTS TO JACKSONVILLE, N. C.

APPLICATION FOR RELIEF

APRIL 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Newsprint paper, carloads.

From: Virginia, South Atlantic and Gulf Ports, and points taking same rates (on import traffic)

To: Jacksonville, N. C.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to maintain port rate relations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1166, supl. 102.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3214; Filed, Apr. 14, 1953; 8:50 a. m.]

[4th Sec. Application 27976]

PHOSPHATE ROCK FROM FLORIDA TO TRUNK LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

APRIL 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, ground or not ground, slush and floats (refuse and washings from phosphate rock) and soft phosphate, not acidulated nor ammoniated, in carloads.

From: Points in Florida.

To: Points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company, ICC No. B-3232, supl. 75; Seaboard Air Line Railroad Company, ICC No. A-8153, supl. 74.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3215; Filed, Apr. 14, 1953; 8:50 a. m.]

[4th Sec. Application 27977]

FERRO-PHOSPHOROUS FROM SHEFFIELD, ALA., TO FAIRLESS, PA.

APPLICATION FOR RELIEF

APRIL 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Ferro-phosphorous, carloads.

From: Sheffield, Ala.

To: Fairless, Pa.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, ICC No. 1079, supl. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3216; Filed, Apr. 14, 1953; 8:50 a. m.]

[4th Sec. Application 27978]

SAND BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

APRIL 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by C. W Bohn, L. C. Schuldt and I. N. Doe, Agents, for carriers parties to the application.

Commodities involved: Sand, moulding, bonded, and sand (except ground or pulverized) and gravel, carloads.

Territory: From, to and between points in official territory including extended zone "C" in Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Order in Docket 30524 et al., 286 ICC 393 requires rates which are to become effective May 2, 1953. Schedule to be filed.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3217; Filed, Apr. 14, 1953; 8:50 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 6]

DAIRY PRODUCTS, FLAXSEED, OILS AND NUTS

NOTICE OF INVESTIGATION

Institution of investigation. By direction of the President, dated April 8, 1953, the United States Tariff Commission, on the 10th day of April 1953, instituted an investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether the articles included in the list set forth below, or any of them, are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with any program or operation undertaken by the United States Department of Agriculture, or any agency operating under its direction, with respect to any such listed article or with respect to any product from which any such listed article is processed, or to reduce substantially the amount of any listed article processed in the United States from any agricultural commodity with respect to which any program or operation of the United States Department of Agriculture is being undertaken.

Imports of the listed articles are presently restricted by Defense Food Order 3, as amended (17 F. R. 6088, 8546, 11866; 18 F R. 1726, 1939) pursuant to determinations made by the Secretary of Agriculture under section 104 of the Defense Production Act of 1950, as amended (Import Determination re DFO-3, Revision 3, as amended; 17 F R. 11868; 18 F R. 1726, 1940) Section 104 will expire June 30, 1953.

Hearings. By order of the Commission, hearings in connection with this investigation will be held as follows:

On May 4, 1953, hearings will begin at 10 a. m. with respect to the articles specified in Group I of the list set forth below;

On May 7 1953, hearings will begin at 10 a. m. with respect to the articles specified in Group II of the list set forth below.

Hearings will take place in the Hearing Room, Tariff Commission Building, Seventh and E Streets NW., Washington, D. C.

Request to appear Interested parties desiring to appear and be heard at the hearings should notify the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the hear-

ings, specifying the product or products concerning which testimony is to be given.

Rules. The Commission's rules of practice and procedure set forth in Part 204 the rules governing investigations under section 22. Copies of the rules may be obtained from the United States Tariff Commission upon request.

I hereby certify that the above investigation and hearings were ordered by the United States Tariff Commission on the 10th day of April 1953.

Issued: April 13, 1953.

[SEAL] DONN N. BENT,
Secretary.

LIST OF ARTICLES

Article	Tariff Act of 1930 paragraph	Commerce import class No.
GROUP I		
Butter	709	0044.000
Butter oil	(1)	1423.200
Cheese:		
Romano made from cow's milk, in original loaves	710	0046.010
Reggiano, in original loaves	710	0046.110
Parmesano, in original loaves	710	0046.120
Provolone, in original loaves	710	0046.230
Provolette, in original loaves	710	0046.250
Sbrinz, in original loaves	710	0046.340
Cheddar	710	0046.490
Blue-mold (except Stilton)	710	0046.600
Edam and Gouda	710	0046.720 0046.730
Other cheese and substitutes for cheese, containing, or processed in whole or in part from, cheddar or blue-mold cheese	710	0046.930
Malted milk, and compounds or mixtures of or substitutes for milk or cream	708 (c)	0041.900
Dried whole milk	708 (b)	0041.000
Dried buttermilk	708 (b)	0041.200
Dried cream	708 (b)	0041.300
Dried skimmed milk	708 (b)	0041.100
GROUP II		
Flaxseed (linseed)	762	2233.000
Linseed oil, and combinations and mixtures in chief value of such oil	53	2254.000
Peanuts:		
Shelled	759	1367.000
Not shelled	759	1368.000
Blanched, salted, prepared or preserved (including roasted peanuts, but not including peanut butter)	759	1380.080
Peanut oil	54	1427.000
Tung nuts	1727	2220.300
Tung oil	1732	2241.000

[1] Commerce Import Class No. 1423.200 cited for butter oil in Department of Agriculture "Import Determination re DFO-3, Revision 3," indicates tariff paragraph 54 for this item. This is apparently an erroneous tariff-paragraph-reference for butter oil. For the purpose of this notice, imported butter oil, wherever provided for in the Tariff Act of 1930, is included.

[F. R. Doc. 53-3246; Filed, Apr. 14, 1953; 10:10 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

APRIL 1953 DOMESTIC AND EXPORT PRICE LISTS

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 as amended January 9, 1953 (15 F. R. 1583, 18 F. R. 176) and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

APRIL 1953 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cottonseed oil, bleachable prime, summer yellow, 412,000,000 pounds.[1]	Bid basis f. o. b. tank cars at points of storage locations.
Cottonseed oil, crude, 45,000,000 pounds.[1]	Bid basis, f. o. b. tank cars or tank-wagons at producers' mills.
Linseed oil, raw, 188,000,000 pounds.[1]	Bid basis f. o. b. tank cars at points of storage locations.
Peanuts, Virginia type, farmer's stock, bagged, 48,000 tons.	Bid basis, f. o. b. points of storage locations on a sound mature kernel basis subject to a premium of $1.25 per ton for each 1 percent extra large kernels in excess of 15 percent. Discounts for damage of $3.50 per ton for each 1 percent damage in excess of 1 percent; for foreign material of $1 per ton for each 1 percent foreign material in excess of 4 percent.
Dry edible beans	No. 1 Grade delivered on track present locations, on basis costs and freight paid to f. a. s. vessel at location shown below. Prices quoted below subject to discounts of 5 cents per hundredweight to purchasers of more than one carlot, 10 cents per hundredweight to purchasers of more than five carlots. Beans purchased must be exported within 120 days of the date of purchase, unless otherwise agreed upon by CCC.
Baby lima, bagged, 1950 crop, 315,000 hundredweight.[1]	$4.25 per 100 pounds, San Francisco Bay area.
Great Northern, bagged, 1949 crop, 880,000 hundredweight.[1]	$7 per 100 pounds, f. a. s. New Orleans. Available Kansas City and Minneapolis PMA Commodity offices.
Small white, bagged, 9,000 hundredweight.[1]	No. 1 Grade, 1951 crop: $8 per 100 pounds, f. a. s. San Francisco Bay, Calif.
Pea, bagged, 867,000 hundredweight.[1]	No. 1 Grade, 1951 crop: $8 per 100 pounds, f. a. s. Baltimore and Norfolk, Va. Sample Grade, 1951 crop: Bid basis f. o. b. points of storage locations. Offers will be accepted by Chicago PMA Commodity office. Discount for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1.
Austrian winter peas, bagged, not certified for purity or germination 1,000,000 hundredweight.[1]	The domestic market price for feed but not less than $8 per 100 pounds, f. a. s. Portland, Oreg., or Seattle, Wash.
Wheat, bulk, 25,000,000 bushels [1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Oats, bulk, 4,400,000 bushels [1]	Do.
Barley, bulk, 100,000 bushels [1]	Do.
Corn, bulk, 50,000,000 bushels [1]	Do.
Cottonseed meal, bagged, 25,000 short tons.[1]	Information covering prices, quantities, and locations can be secured at the New Orleans, Dallas, or San Francisco PMA Commodity offices.

[1] These same lots also are available at domestic sales prices announced today.

APRIL 1953 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids, in carlead lots only; 120,000,000 spray; 5,000,000 roller.	Spray process, U. S. Extra Grade, 17 cents per pound; roller process, U. S. Extra Grade, 15 cents per pound. Prices apply "in store" at location of stocks in any State ("in store" means at the processor's plant or in storage, at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer).
Salted creamery butter, in carlead lots only, 90,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 63.75 cents per pound; New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico, 69.00 cents per pound. California, Oregon, and Washington, 62.75 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at location of stocks in those States where butter is stored ("in store" means at the processor's plant or warehouse, but with any prepaid storage, and outhandling charges for the benefit of the buyer).
Cheddar cheese, cheddar and twin styles (standard moisture basis, in carlead lots only), 45,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 39 cents per pound. New York, New Jersey, Pennsylvania, New England and those States bordering the Atlantic and Pacific Oceans and Gulf of Mexico, 40 cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. Prices apply "in store" at location of stocks in those States where cheese is stored. All prices are subject to usual adjustment for moisture content ("in store" means at the processor's plant or warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer).
Cottonseed oil, bleachable prime, summer yellow, 412,000,000 pounds.[1]	Market price or 17¼ cents per pound, whichever is higher, f. o. b. tank cars or tank wagons at points of storage locations. Above prices will not be reduced during period ending Aug. 31, 1953.
Cottonseed oil, crude, 45,000,000 pounds.[1]	Market price or acquisition price for specified areas f. o. b. tank cars or tank wagons at producer's mills, whichever is higher. Above prices will not be reduced during period ending Aug. 31, 1953.
Linseed oil, raw, 188,000,000 pounds.[1]	Market price on date of sale.
Olive oil, edible, 100,000 gallons	Market price or $2.67 per gallon in 55-gallon drums, whichever is higher, f. o. b. points of storage locations.
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, the price listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable.
Great Northern, bagged, 880,000 hundredweight.[1]	No. 1 Grade 1949 crop: $9.25 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Baby lima, bagged, 315,000 hundredweight.[1]	No. 1 Grade 1950 crop: $7.27 per 100 pounds, basis f. o. b. California area.
Small white, bagged, 9,000 hundredweight.[1]	No. 1 Grade 1951 crop: $9.25 per 100 pounds, basis f. o. b. California area.
Pea, bagged, 867,000 hundredweight.[1]	No. 1 Grade 1951 crop: $9.63 per 100 pounds, f. o. b. Michigan area.
Austrian winter pea seed, bagged, 2,000,000 hundredweight.	$4 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Purchaser must certify that Austrian winter peas will not be used for food in any form including split, ground, or whole form.
Austrian winter peas, bagged, not certified for purity or germination, 1,000,000 hundredweight.[1]	Information covering prices, quantities and locations can be secured at the Portland, San Francisco, Dallas, Kansas City, Chicago, and Minneapolis PMA Commodity offices. Purchaser must certify that commodity will be used for feed purposes only.
Seeds	On all seeds except Ladino: Offers will not be accepted for less than the minimum carlot weight as prescribed by railroad carrier's regulation at point of storage.

[1] These same lots also are available at export sales prices announced today.

APRIL 1953 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Blue Lupine seed, bagged, 1,024,350 hundredweight.	$4 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Available New Orleans PMA Commodity office.
Common and Willamette vetch seed, bagged, 182,600 hundredweight.	$7 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Available Dallas, Portland, and New Orleans PMA Commodity offices.
Red clover seed (uncertified), bagged,, 56,400 hundredweight.	$36.75 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending Aug. 31, 1953. Available Portland, Chicago, Kansas City, Minneapolis, New York, New Orleans, and San Francisco PMA Commodity offices.
Red clover seed (certified), bagged, Cumberland, 1,000 hundredweight; Midland, 620 hundredweight.	$36.75 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending Aug. 31, 1953. Available Portland and Kansas City PMA Commodity offices.
Ladino clover seed (certified), bagged, 78,000 hundredweight.	$105 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. $100 in lots of 60,000 pounds, or more. Above prices will not be reduced during period ending Aug. 31, 1953. Available Portland and San Francisco PMA Commodity offices.
Crimson clover seed, bagged, 230 hundredweight.	$18 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Available Portland PMA Commodity office.
Biennial sweetclover seed, bagged, 22,760 hundredweight.	$9.45 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending Aug. 31, 1953. Available Kansas City, Minneapolis, Chicago, and Portland PMA Commodity offices.
Hubam sweet clover seed, bagged, 50 hundredweight.	$10.50 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending Aug. 31, 1953. Available Dallas PMA Commodity office.
Smooth bromegrass (uncertified), bagged, 15 hundredweight.	$15.75 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending Aug. 31, 1953. Available Chicago PMA Commodity office.
Mountain bromegrass (Bromar certified), bagged 540 hundredweight.	$21 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending Aug. 31, 1953. Available Portland PMA Commodity office.
Hairy vetch seed, bagged, 161,640 hundredweight.	$1 plus support price per 100 pounds, f. o. b. point of production plus any paid-in freight as applicable basis current freight rate at time of sale. Available Portland, Dallas, and New Orleans PMA Commodity offices.
Birdsfoot trefoil seed, bagged, 1,160 hundredweight.	$78.75 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending Aug. 31, 1953. Available San Francisco and Portland PMA Commodity offices.
Rough pea seed, bagged 6, hundredweight.	$7 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Available Portland PMA Commodity office.
Primar slender wheatgrass seed (Certified), bagged, 30 hundredweight.	$31.50 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending Aug. 31, 1953. Available Portland PMA Commodity office.
Wheat, bulk, 25,000,000 bushels [1]	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality and location, plus: (1) 38 cents per bushel if received by truck, or (2) 33 cents per bushel if received by rail or barge. Examples of minimum prices, per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.82; Minneapolis, No. 1 HDNS, ex rail or barge, $2.85; Chicago, No. 1 RW, ex rail or barge, $2.86.
Oats, bulk, 4,400,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate plus: (1) 20 cents per bushel if received by truck, or (2) 18 cents per bushel if received by rail or barge. At other points, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 or better, ex rail or barge, $1.09; Minneapolis, No. 3 or better, ex rail or barge, $1.04.
Barley, bulk, 100,000 bushels [1]	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality and location, plus: (1) 28 cents per bushel if received by truck, or (2) 24 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 1 barley, ex rail or barge, $1.66.
Corn, bulk, 50,000,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate for No. 3 yellow plus: (1) 26 cents per bushel if received by truck, or (2) 22 cents per bushel if received by rail or barge. At other locations, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 yellow, $2; St. Louis, No. 3 yellow, $2.02; Minneapolis, No. 3 yellow, $1.91; Omaha, No. 3 yellow, $1.93; Kansas City, No. 3 yellow, $1.98. For other classes, grades and quality, market differentials will apply.
Flaxseed, bulk, 146,000 bushels	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon, but not less than the following: $4.50 per bushel, No. 1 Grade, basis in store, Minneapolis. For other markets and grades, adjust by market differentials.
Cottonseed meal, bagged, 128,000 short tons.	Information covering prices, quantities, and locations can be secured at the New Orleans, Dallas, or San Francisco PMA Commodity offices.

[1] These same lots also are available at export sales prices announced today.

(Pub. Law 439, 81st Cong.)

Issued this 10th of April 1953.

[SEAL] HOWARD H. GORDON,
Commodity Credit Corporation.

[F. R. Doc. 53-3254; Filed, Apr. 14, 1953; 8:58 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5477]

PAN AMERICAN WORLD AIRWAYS, INC., FERRY FLIGHTS

NOTICE OF ORAL ARGUMENT

In the matter of free transportation by Pan American on ferry flights between New York and Miami.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter is assigned to be held on May 5, 1953, at 10:00 a. m. (local time) in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 10, 1953.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F. R. Doc. 53-3249; Filed, Apr. 14, 1953; 8:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-212]

DERBY GAS & ELECTRIC CORP. ET AL.

NOTICE OF FILING OF PLAN AND NOTICE OF AN ORDER FOR HEARING WITH RESPECT THERETO

APRIL 9, 1953.

Notice is hereby given that Derby Gas & Electric Corporation, a registered holding company, and its public-utility company subsidiaries, The Derby Gas and Electric Company, The Wallingford Gas Light Company, The Danbury and Bethel Gas and Electric Light Company, and The Derby Gas and Electric Corporation of Connecticut, have filed a joint application requesting approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") providing, among things, for the merger of the applicants. Said plan is designed to effectuate compliance by applicants with section 11 (b) of the act.

All interested persons are referred to the application and plan on file at the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Derby Gas & Electric Corporation ("Derby") a Delaware corporation, is solely a holding company. It owns all of the outstanding shares of capital stock, except directors' qualifying shares, of Derby Gas and Electric Company ("Derby Company"), Wallingford Gas Light Company ("Wallingford"), Danbury and Bethel Gas and Electric Light Company ("Danbury") and Derby Gas and Electric Corporation of Connecticut ("Derby of Connecticut"), all of which subsidiaries are Connecticut cor-

porations deriving their existence from special acts of the General Assembly of the State of Connecticut.

As of December 31, 1952, the publicly held securities of Derby and its subsidiaries were as follows:

Derby:	
Collateral trust debentures:	
Series A, 3 percent, due 1957	[1] $4,581,000
Series B, 3½ percent, due 1957	891,000
	$5,472,000
Bank loans, due May 11, 1953	[2] $400,000
Common stock, no par value shares	282,237
Danbury:	
First mortgage bonds, 5 percent, due Dec. 1, 1953	$150,000
Derby Co.:	
Bank loans, due April and June 1953	$100,000

[1] Includes $50,000 due within 1 year.
[2] Increased since Dec. 31, 1952, by $300,000, due November and December 1953.

Derby Company is primarily an electric utility serving the Towns of Ansonia, Derby and Shelton, Connecticut. It also serves manufactured or natural gas in said towns and sells steam to three industrial customers. Wallingford is a gas utility serving the Town of Wallingford, Connecticut. Danbury is primarily an electric utility serving the City and Town of Danbury, the Town of Brookfield and the Boroughs and Towns of Bethel and Newton, Connecticut. It also serves gas in the City and portions of the Town of Danbury, the Borough and portions of the Town of Bethel, and in the Towns of Newton and Monroe. Derby of Connecticut is an inactive corporation created in 1935 by special act of the General Assembly of the State of Connecticut as a vehicle for effectuating the then contemplated merger of Derby Company and Wallingford and the liquidation of Derby. Such merger and liquidation has never been consummated; and since Derby has in the interim acquired Danbury, the proposed merger (including Danbury) requires further authorization from the General Assembly. Accordingly, there is currently under consideration by the General Assembly a proposed bill amending the charter of Derby of Connecticut, and authorizing the merger of the applicants on such terms and conditions as may be agreed upon by the companies and approved by the Public Utilities Commission of Connecticut.

The proposed merger of Derby, Derby Company, Wallingford, Danbury, and Derby of Connecticut ("constituent companies") will be effectuated pursuant to an agreement of merger to be executed by such companies. The surviving company is to be Derby of Connecticut, and its name is to be changed to The Housatonic Public Service Company ("Housatonic") The authorized capital stock of Housatonic will be $10,000,005, divided into 666,667 shares having a par value of $15 each. Housatonic will be authorized to have funded debt in a principal amount not exceeding $10,000,000 at any one time outstanding, and to secure the payment thereof by a mortgage upon any or all of its property.

All of the capital stock of the constituent companies other than Derby (the holding company) outstanding on the effective date of the merger will be cancelled and no capital stock of Housatonic will be issued in exchange therefor. Each share of Derby outstanding on such date shall become and be deemed to represent one share of capital stock of Housatonic. As soon as practicable after the merger becomes effective, each holder of Derby's capital stock on the effective date of the merger will be permitted to exchange his certificates representing Derby capital stock for a certificate or certificates representing a like number of shares of Housatonic capital stock, and Derby will designate a distribution agent to effect such exchange. (Derby contemplates that its presently outstanding 282,237 shares of no par value capital stock will be increased, prior to the effective date of the merger, by 50,000 shares (changed from 40,000 shares since the original filing) through a rights offering to its stockholders, such rights offering to be the subject of a separate filing with the Commission) Thus, upon effectuation of the merger, it is contemplated that Housatonic will have initially outstanding 332,237 shares of capital stock with a par value of $15 per share.

Stockholders of Housatonic are to have the right of cumulative voting for the election of directors, and are to have preemptive subscription rights in respect of any additional stock issued for cash, except when issued pursuant to a public offering or through underwriters who have agreed to make an immediate public offering thereof.

Derby's cost of the stocks of Derby Company, Wallingford and Danbury exceeds by $2,803,526.15 the underlying book value of such subsidiaries at October 21, 1941, or, if subsequently acquired, at the date of acquisition. Under the plan, it is proposed that such excess cost be eliminated in connection with the merger. Upon effectuation of the merger, the plant and property accounts of Housatonic will be stated on its books at an amount equal to the aggregate of the amounts at which such property is stated on the books of the constituent operating companies, Derby Company, Wallingford, and Danbury. Except for a minor portion of Wallingford's plant, such property accounts are classified on those companies' books on an original cost basis.

Upon the effectuation of the merger the separate and independent corporate existence of Derby, Derby Company, Wallingford and Danbury will cease, and Housatonic will become the owner of all of the franchises, rights, and property of Derby Company, Wallingford and Danbury, and of Derby excepting the outstanding capital stocks of Derby Company, Wallingford, Danbury and Derby of Connecticut which are to be cancelled. Housatonic will assume and agree to pay, satisfy or discharge all of the indebtedness, liabilities, obligations and duties of all of the constituent companies to the same extent as if contracted or incurred by it. The outstanding Collateral Trust Debentures of Derby aggregating $5,472,000 principal amount (all held by The Equitable Life Assurance Society of the United States) are to be secured by a mortgage upon substantially all of the property and assets of Housatonic. The lien of the $150,000 principal amount of outstanding bonds of Danbury is not to be affected. It is contemplated that the Danbury bonds will be redeemed at the maturity thereof with the proceeds of additional debt securities to be issued by Housatonic.

The effective date of the merger is to be such date, after its approval by this Commission and the Public Utilities Commission of Connecticut, as shall be determined by the Board of Directors of Housatonic. The initial directors and officers of Housatonic are to be named in the agreement of merger.

Housatonic is to pay all expenses of the merger.

It is stated that it is contemplated that the Commission will be requested to apply to an appropriate court for enforcement of the plan.

The effectuation of the plan is subject to the following conditions and reservations:

(a) Requisite authorization shall have been obtained from the General Assembly of the State of Connecticut;

(b) The plan shall have been found by the Commission to be necessary to effectuate the provisions of section 11 (b) of the act, and the order of approval shall contain the requisite recitals conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended;

(c) The Commission, if requested to do so, shall have applied to an appropriate court and obtained an order enforcing the plan;

(d) A satisfactory ruling or closing agreement from the United States Treasury Department, unless waived by Derby, shall have been obtained by Derby in respect of the tax consequences of the transactions necessary to carry out the plan;

(e) Corporate action deemed necessary by counsel of Derby shall have been taken in a manner satisfactory to such counsel;

(f) The plan and all transactions contemplated therein shall have been approved by the Public Utilities Commission of the State of Connecticut.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that the plan as submitted, or as thereafter amended, is necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby; and

It appearing appropriate that notice be given and that a hearing be held upon said plan:

It is ordered, That a hearing on said plan be held on May 12, 1953, at 10:00 a. m., e. s. t. (or e. d. s. t. if such is in effect in the District of Columbia on that date) at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard

or otherwise wishing to participate in the proceedings, is directed to file with the Secretary of the Commission on or before May 5, 1953, a written request as provided by Rule XVII of the Commission's rules of practice. In the event that amendments to the plan are filed during the course of the proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of any additional plans or amendments should file an appearance in these proceedings or otherwise specifically request such notice.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for the purpose shall preside at the hearing in such matter. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the plan and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the plan, as submitted or as it may be amended, is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby;

(2) Whether and to what extent the plan, as submitted or as it may be amended, should be further amended or modified, or terms and conditions imposed, to ensure adequate protection of the public interest and the interest of investors and consumers, and to prevent circumvention of the act and the rules and regulations promulgated thereunder;

(3) Whether the accounting entries in connection with the proposed transactions are appropriate and in accordance with sound accounting principles;

(4) Whether the fees, expenses, or other remuneration to be paid in connection with the plan and the transactions necessary to consummate the plan are for necessary services and are reasonable in amount;

(5) Generally whether the transactions proposed in the plan comply with the requirements of the applicable provisions of the act and the rules and regulations thereunder;

It is further ordered, That particular attention be directed at the hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing by mailing copies of this Notice and Order by registered mail to applicants, to the Public Utilities Commission of Connecticut, and to the Mayors of Derby, Wallingford, Bethel, Ansonia, Shelton, Danbury, Newton, Brookfield, and Monroe, Connecticut, and to The Equitable Life Assurance Society of the United States; that Derby give notice of said hearing to its stockholders by mailing a copy of this Notice and Order and of the plan to them at their respective addresses as they appear on the records of the company; that notice shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this matter be distributed to the press and mailed to the persons on the mailing list of this Commission for releases under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-3198; Filed, Apr. 14, 1953; 8:46 a. m.]

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO PROPOSED BOARDS OF DIRECTORS OF CENTRAL MAINE POWER COMPANY, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE AND CENTRAL VERMONT PUBLIC SERVICE CORPORATION

APRIL 9, 1953.

The Commission, by Order dated February 13, 1953, having approved an Amended Plan filed by New England Public Service Company ("NEPSCO") a registered holding company and a subsidiary of Northern New England Company, also a registered holding company pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, providing for the distribution by NEPSCO to the holders of its common and preferred stocks of its holdings of common stock of Central Maine Power Company ("Central Maine") Public Service Company of New Hampshire ("New Hampshire") and Central Vermont Public Service Corporation ("Central Vermont") and said Amended Plan having been ordered enforced by the United States District Court for the District of Maine, Southern Division, by order dated March 25, 1953; and

Said Amended Plan having provided that the names of persons selected to fill the vacancies, which would occur on the Boards of Directors of Central Maine, New Hampshire and Central Vermont, as a result of resignations, or by force of proposed by-law amendments relating to restrictions against interlocking directors and executive officers, and in the case of Central Maine also through the increase of the number of its directors, should be submitted to the Commission for its approval; and

The Commission, in its order of February 13, 1953, having reserved jurisdiction with respect to the proposed composition of the initial Boards of Central Maine, New Hampshire and Central Vermont; and

Central Maine, New Hampshire and Central Vermont now having submitted to the Commission the names, addresses and qualifications of the following nominees selected to fill the vacancies on said Boards: Walter Burke, Charles F Phillips, and Arthur E. Spellissy for the Board of Central Maine; John H. Fassitt and H. Gardner Ingraham for the Board of New Hampshire; and Homer N. Chapin, George W Fulks and L. Douglas Meredith for the Board of Central Vermont; and

The Commission having considered the proposed new nominees for the Boards of Directors of Central Maine, New Hampshire and Central Vermont and finding that said nominees as proposed conform to the provisions of the said Amended Plan and the applicable provisions of the act and that no adverse action need be taken with respect to said proposed nominees:

It is ordered, That the jurisdiction heretofore reserved with respect to the proposed composition of the initial Boards of Directors of Central Maine, New Hampshire and Central Vermont be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 53-3203; Filed, Apr. 14, 1953; 8:48 a. m.]

[File No. 70-3015]

BROCKTON EDISON CO. AND EASTERN UTILITIES ASSOCIATES

MEMORANDUM OPINION AND SUPPLEMENTAL ORDER AUTHORIZING SALE OF BONDS AND RELEASING JURISDICTION OVER LEGAL FEES

APRIL 8, 1953.

Eastern Utilities Associates, a registered holding company, and its public utility subsidiary company Brockton Edison Company ("Brockton"), having filed an application-declaration, and an amendment thereto, pursuant to sections 6 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 (b) (2) U-44 and U-50 promulgated thereunder, regarding, inter alia, the issuance and sale by Brockton, at competitive bidding, of $4,100,000 principal amount of First Mortgage and Collateral Trust Bonds, __ Percent Series, due 1983; and

The Commission, by order dated March 30, 1953, having granted and permitted to become effective the application-declaration, as amended, subject to the condition, among others, that the proposed sale of bonds by Brockton should not be consummated until the results of competitive bidding, pursuant to Rule U-50, had been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed; and jurisdiction having been reserved over the payment of all counsel fees incurred or to be incurred in connection with the proposed transactions; and

Applicants-declarants, on April 8, 1953, having filed a further amendment setting forth the action taken by them to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids on the bonds, the following bids were received.

Bidder	Annual interest rate (percent)	Price to company [1] (percent of principal)	Annual cost to company (percent)
The First Boston Corp.	3⅝	100.579	3.5933
Halsey, Stuart & Co. Inc.	3⅝	100.30	3.6085
Kidder, Peabody & Co., and White, Weld & Co.	3¾	100.99	3.7091
Stone & Webster Securities Corp., and Estabrook & Co.	3⅞	101.30	3.8020

[1] Exclusive of accrued interest from Feb. 1, 1953.

The amendment further stating that Brockton has accepted the bid of The First Boston Corporation for the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 101.56 percent, resulting in an underwriting spread of 0.981 percent of the principal amount of the bonds, or an aggregate of $40,221, and

The amendment having also set forth the nature and extent of the legal services rendered or to be rendered in connection with the proposed transactions, for which requests for payment have been made as follows: Gaston, Snow, Rice & Boyd, counsel for Brockton, $4,000; Keith, Reed & Wheatley, local counsel for Brockton, $1,000; Peabody, Arnold, Batchelder & Luther, counsel for the Indenture Trustee, $2,250; and Ropes, Gray, Best, Coolidge & Rugg, counsel for the underwriters, $3,500 to be paid by said underwriters.

In addition to the foregoing fees, the company proposes to pay Ropes, Gray, Best, Coolidge & Rugg, counsel for underwriters, up to $1,250 for services in connection with Blue Sky Laws. It is the function of counsel to underwriters to provide representation to the winning bidder and we have always insisted that such counsel be independent and have no relationship with the issuer. We have observed instances, such as are here proposed, where the company proposes to make a direct payment to underwriters' counsel for services. We believe this raises a serious question as to independence, and, while we shall approve the fee in this instance because we have not heretofore noted our objections to this practice, we believe that such dual employment should not be permitted.

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the bonds, the redemption prices thereof, the interest rate thereon and the underwriters' spread; and it appearing to the Commission that the legal fees are not unreasonable and that jurisdiction with respect thereto should be released:

It is ordered, That said application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and that the jurisdiction heretofore reserved over the results of competitive bidding for the sale of the bonds and over the counsel fees incurred or to be incurred in connection with the proposed transactions be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-3199; Filed, Apr. 14, 1953; 8:47 a. m.]

[File No. 70-3020]

LOUISIANA POWER & LIGHT CO.

ORDER REGARDING REDEMPTION OF OUTSTANDING PREFERRED STOCK: ISSUANCE AND SALE OF PREFERRED STOCK

APRIL 8, 1953.

Louisiana Power & Light Company ("Louisiana") a utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") particularly sections 6 (a) 7 and 12 (c) thereof and Rules U-42 and U-50 of the rules and regulations promulgated thereunder regarding the following proposed transactions which are more fully set forth in the declaration, as amended;

Louisiana presently has outstanding 59,422 shares of $6 preferred stock without par value excluding 578 shares reacquired by the Company. Louisiana proposes (a) to call the outstanding $6 preferred stock for redemption at the redemption price of $110 per share plus an amount equal to accumulated unpaid dividends thereon at the redemption rate; (b) to reduce the capital of the Company by the retirement of the 60,000 shares of the $6 preferred stock; (c) to amend its charter to provide for the authorization of new preferred stock; (d) to authorize the issuance of 60,000 shares of new ____ percent preferred stock of $100 par value per share.

Louisiana proposes to issue and sell the new preferred stock to the public through underwriters who will be invited to submit bids for such stock pursuant to the competitive bidding requirements of Rule U-50. Such bids will specify the dividend rate, to be a multiple of 1/25 of 1 percent, and the price of the new preferred stock to be paid the Company (to be not less than $100 nor more than $102.75 per share plus accrued dividends).

In connection with the redemption of the outstanding $6 preferred stock, Louisiana requests authority to borrow such funds as are necessary pursuant to an accommodation bank loan, such borrowing to be repaid forthwith from funds obtained from the sale of the new preferred stock.

Said declaration having been filed on March 19, 1953, an amendment thereto having been filed on April 7, 1953, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and the Commission observing no basis for adverse findings and deeming it appropriate to permit said declaration to become effective without the imposition of terms or conditions other than those set forth below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions contained in Rule U-24 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the following conditions and reservations:

1. The proposed issuance and sale of preferred stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered by the Commission in the light of the record as so completed; and

2. That jurisdiction be, and the same hereby is, reserved with respect to the payment of fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-3200; Filed, Apr. 14, 1953; 8:47 a. m.]

[File No. 70-3021]

MIDDLE SOUTH UTILITIES, INC. AND LOUISIANA POWER & LIGHT CO.

ORDER CONCERNING SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT FOR CASH CONSIDERATION

APRIL 8, 1953.

Middle South Utilities, Inc. ("Middle South") a registered holding company, and one of its subsidiaries, Louisiana Power & Light Company ("Louisiana"), having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") particularly sections 6 (a) 7, 9 (a) 10 and 12 (f) thereof regarding the following proposed transactions which are more fully set forth in the application-declaration:

Louisiana has outstanding 3,400,000 shares of its no par value common stock, having a stated value of $17,000,000, all of which shares are owned by Middle South. Louisiana proposes to issue and sell, and Middle South proposes to acquire, 1,800,000 additional shares of Louisiana's common stock for an aggregate cash consideration of $7,000,000. Concurrently with this transaction, Louisiana proposes to transfer $2,000,000 from its earned surplus account to its common capital stock account.

Louisiana presently has authorized 5,000,000 shares of common stock and proposes to amend its charter at a special meeting of stockholders to be held on or about April 28, 1953, so as to increase its authorized common stock to 10,000,000 shares.

The application-declaration states that funds for the purchase of the Louisiana stock by Middle South will be obtained from the proceeds of bank loans

to be made by Middle South, pursuant to a Credit Agreement previously authorized by the Commission on June 3, 1952 (File No. 70–2869) Proceeds from the sale of common stock are to be used by Louisiana in connection with its construction program.

Said joint application-declaration having been filed on March 19, 1953, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and that no adverse findings are necessary and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53–3201; Filed, Apr. 14, 1953; 8:47 a. m.]

[File No. 70–3022]

MIDDLE SOUTH UTILITIES, INC.

ORDER CONCERNING ISSUANCE AND SALE OF COMMON STOCK PURSUANT TO RIGHTS OFFERING

APRIL 8, 1953.

Middle South Utilities, Inc. ("Middle South") a registered holding company, having filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof with respect to the following proposed transactions:

Middle South proposes to issue and sell, without underwriting, 475,000 additional shares of its authorized but unissued common stock pursuant to a rights offering to its stockholders on the basis of one share of additional common stock for each fourteen shares held as of the record date, at a price of $23.25 per share. The additional shares are to be offered to stockholders of record at the close of business on April 8, 1953. The subscription period will expire at 3:30 p. m., New York time, on April 28, 1953. The subscription rights will be evidenced by transferable warrants which will afford the holder the right to subscribe for one new share for each fourteen shares held (the "primary right") and to subscribe, subject to allotment, for such additional number of shares as the warrant holder may elect (the "additional right") No fractional shares will be issued. The warrant agent will endeavor, without charge to the warrant holder, to buy or sell such primary rights as are required to increase or decrease any warrant holder's holding of rights to an amount entitling him to subscribe to one or more full shares, but not more than thirteen rights will be bought or sold in any one transaction. The expenses of the warrant agent in performing this service will be borne by the Company.

In the event that the aggregate number of shares subscribed for exceeds 475,000 shares, the shares remaining after providing for the issuance of shares subscribed for pursuant to the exercise of the primary right will be allocated pro rata, as nearly as practicable, to the warrant holders exercising the additional rights in accordance with the respective number of shares subscribed for by such holders pursuant to the primary right.

Warrants issued to common stockholders whose addresses are outside the continental United States or Canada will not be mailed but will be held by the agent for their accounts until 12:00 o'clock noon, New York time, April 27, 1953 when, if no instructions are received, they will be sold to the extent practicable. The net proceeds from any such sales are to be held for the account of such stockholders.

The declaration states that proceeds from the proposed sale of stock, together with other funds, will be used by Middle South for investments in the common stocks of its subsidiaries, aggregating $27,000,000 in the years 1953 and 1954, for use by them in connection with their construction program. It is estimated that the subsidiaries' construction program will require the expenditure of approximately $91,000,000 in 1953, and approximately $50,000,000 in 1954.

The declaration also states that expenses in the estimated amount of $110,000, including legal fees in the amount of $6,500 and fees and expenses of the Warrant Agent in the amount of $34,000, will be incurred in connection with the transactions.

Said declaration having been filed on March 20, 1953, an amendment thereto having been filed on April 8, 1953, notice of said filing having been given in the form and manner required by Rule U-23, promulgated pursuant to said act, the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission observing no basis for adverse findings, and deeming it appropriate to permit said declaration, as amended, to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53–3202; Filed, Apr. 14, 1953; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19244]

WALDEMAR F BINGE

In re: Estate of Waldemar F Binge, deceased. File No. D–28–13163.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.), Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Catherine Binge, Ludwig Binge, Hildegarde Binge, Heinrich Binge, and Waldemar Binge, Jr., whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever, of the persons named in subparagraph 1 hereof, in and to the Estate of Waldemar F Binge, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Ludwig Eugene Daniel Binge, Jr., as administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Spokane; and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 hereof, and each of them, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53–3234; Filed, Apr. 14, 1953; 8:55 a. m.]

[Vesting Order 19247]

KARL NAU

In re: Estate of Karl Nau, deceased. File No. D–28–13159.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Adolph Nau and Heinrich Nau, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany),

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Adolph Nau and of Heinrich Nau, who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

3. That the property described as follows: The sum of $4,027.28 with all accretions thereto and interest thereon in the possession, custody or under the control of the County Treasurer of Cook County, Illinois, being the sum of $2,013.64 deposited for the benefit of Adolph Nau and the sum of $2,013.64 deposited for the benefit of Heinrich Nau pursuant to an order of the Probate Court of Cook County, Illinois, in the Matter of the Estate of Karl Nau, deceased, entered on July 6, 1950, less lawful fees and disbursements,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-3237; Filed, Apr. 14, 1953; 8:56 a. m.]

[Vesting Order 19249]

PAUL WULF

In re: Estate of Paul Wulf, a/k/a Paul P Wulf, a/k/a Paul R. Wulf, deceased. File No. D 28–13134.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.), Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Grete Maria Lesko Wulf, nee Dudszus, Henriette Wilhelmine Hardorp Armbruster, nee Wulf, Fritz Wilhelm Christian Ludwig Wulf, also known as Friedrich Wilhelm Christian Ludwig Wulf, and Mathilde Auguste Katharina Stearns, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Paul Wulf, deceased, which is in the process of administration by Hyman Wank, Public Administrator of Kings County, as administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph two (2) hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-3239; Filed, Apr. 14, 1953; 8:56 a. m.]

[Vesting Order 19245]

WILHELM BORN

In re: Estate of Wilhelm Born, a/k/a William Born and William Karl Born, deceased. File No. D 28–13081.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40) Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Elsa Mansees, nee Born, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Wilhelm Born, deceased, which is in the process of administration by Hyman Wank, Public Administrator of Kings County, Brooklyn, New York, administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, Brooklyn, New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-3235; Filed, Apr. 14, 1953; 8:55 a. m.]

[Vesting Order 19246]

SYDNEY K. HARTMAN

In re: Estate of Sydney K. Hartman, deceased. File No. D-28-13141, E. T. Sec. 17246.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Fritz-Heinz Kuhn, Margaret Kuhn, Elisabeth Kuhn, and Christel Kuhn, whose last known address is Germany on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of Fritz-Heinz Kuhn, Margaret Kuhn, Elisabeth Kuhn, and Christel Kuhn in and to the Estate of Sydney K. Hartman, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by payable or deliverable to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in process of administration under the judicial supervision of the Surrogate's Court of New York County, New York.

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-3236; Filed, Apr. 14, 1953; 8:55 a. m.]

[Vesting Order 19248]

VICTORIA RACZYNSKI

In re: Estate of Victoria Raczynski, deceased. File No. D-28-13147 E. and T. No. 17250.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Felix Szymanski, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Victoria Raczynski, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Peter Prewozniak, administrator, acting under the judicial supervision of the Saginaw County Probate Court, Saginaw, Michigan;

and it is hereby determined:

4. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)..

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-3238; Filed, Apr. 14, 1953; 8:56 a. m.]

[Vesting Order 19250]

ALLGEMEINE ELEKTRICITATS-GESELLSCHAFT

In re: Account owned by Allgemeine Elektricitats-Gesellschaft, also known as General Electric Co., Germany. F-28-4320.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Allgemeine Elektricitats-Gesellschaft, also known as General Electric Co., Germany, the last known address of which is Berlin, Germany, is a corporation, partnership, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an amount equal to the value of the property heretofore held by The National City Bank of New York in an account entitled Allgemeine Elektricitats-Gesellschaft (including but not limited to the total cash plus the securities, or the proceeds thereof if such securities have been liquidated) and referred to in Application for license filed by the said The National City Bank of New York on January 31, 1951, pursuant to which License No. NY 869904 was granted but thereafter revoked, together with any and all accruals to such debt or other obligation, less the amount licensed by License No. NY 869904-A dated April 9, 1953, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior

to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-3240; Filed, Apr. 14, 1953; 8:56 a. m.]

[Vesting Order 19251]

DEUTSCHE ORIENTBANK, FILIALE DER DRESDNER BANK

In re: Bank account owned by Deutsche Orientbank, Filiale der Dresdner Bank. F-28-176-E-10.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Dresdner Bank, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany, and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany)

2. That Deutsche Orientbank, Filiale der Dresdner Bank, the last known address of which is Istanbul, Turkey, is a branch of Dresdner Bank, which on or since December 11, 1941, and prior to January 1, 1947, was controlled by the aforesaid Dresdner Bank, and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany)

3. That the property described as follows: That certain debt or other obligation of the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, arising out of a checking account in the name of Deutsche Orientbank, Filiale der Dresdner Bank, Istanbul, Turkey, maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Orientbank, Filiale der Dresdner Bank, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

4. That Deutsche Orientbank, Filiale der Dresdner Bank, is and prior to January 1, 1947, was controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is and prior to January 1, 1947, was a national of a designated enemy country (Germany),

5. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-3241; Filed, Apr. 14, 1953; 8:56 a. m.]

[Vesting Order 19252]

AUGUST THYSSEN HUETTE

In re: Debts owing to August Thyssen Huette, A. G., also known as Gewerkschaft Preussen. F-28-10584.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.), Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That August Thyssen Huette, A. G., also known as Gewerkschaft Preussen, the last known address of which is 13 Arndtstr., Muelheim-Ruhr, Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Those certain debts or other obligations, matured and unmatured, evidenced by seventeen (17) Atchison, Topeka and Santa Fe Railway Company 4 Percent General Mortgage Bonds, due 1995, of $1,000.00 face value each being numbered M24139, M24149, M91859, M91862, M91868/70, M102690/3, M102696/7, M104498, M104500 and M124238/9, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in and under the aforesaid bonds, and

b. Those certain debts or other obligations, matured and unmatured, evidenced by seven (7) Norfolk and Western Railway Company 4 Percent First Consolidated Mortgage Bonds, due 1996, of $1,000.00 face value each, being numbered 712, 984, 1564, 1710/12 and 13065, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in and under the aforesaid bonds,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, August Thyssen Huette, A. G., also known as Gewerkschaft Preussen, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-3242; Filed, Apr. 14, 1953; 8:56 a. m.]

[Vesting Order 19253]

MARIA TONI ELISABETH KOCH

In re: Debts owing to Maria Toni Elisabeth Koch, also known as Elisabeth Koch and as Elisabeth Woelike Koch. F-28-31834.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.), Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Maria Toni Elisabeth Koch, also known as Elisabeth Koch and as Elisabeth Woelike Koch, whose last known address is Hamburg-Othmarschen, Gottorpstrasse 11, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a citizen of Germany and a resident of Japan and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany)

2. That the property described as follows: Those certain debts or other obligations arising out of income and accretions from June 14, 1941 to February 18, 1952 on the shares of stock described in Vesting Order 18775, dated February 18, 1952, paid to Schmidt & Co. in care of The Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, and deposited by said Guaranty Trust Company of New York for the account of De Javasche Bank, Djakarta, Indonesia, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, including particularly but not limited to any and all rights to collect said debts or other obligations from funds held by The Guaranty Trust Company of New York for the account of De Javasche Bank, Djakarta, Indonesia,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Maria Toni Elisabeth Koch, also known as Elisabeth Koch and as Elisabeth Woelike Koch, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-3243; Filed, Apr. 14, 1953; 8:57 a. m.]

[Vesting Order 19254]

MANSFELD MINING & SMELTING CO.

In re: Debt owing to Mansfeld Mining & Smelting Company, also known as Mansfeld A. G. für Bergbau and Hüttenbetrieb. F-28-13935.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Mansfeld Mining & Smelting Company, also known as Mansfeld A. G. für Bergbau und Hüttenbetrieb, the last known address of which is Eisleben, Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany)

2. That the property described as follows: All right, title, interest and claim of any name or nature whatsoever of Mansfeld Mining & Smelting Company, also known as Mansfeld A. G. für Bergbau und Hüttenbetrieb, in and to any and all obligations, contingent or otherwise and whether or not matured including particularly, but not limited to, all rights arising under that certain agreement, dated May 1, 1926, (including all modifications thereof and supplements thereto, if any) by and between Mansfeld Mining & Smelting Company and The New York Trust Company, as Co-Trustee, relating to Mansfeld Mining & Smelting Company Fifteen year 7 percent (Closed) Mortgage Sinking Fund Gold Bonds, due May 1, 1941, together with any and all rights to demand, enforce and collect the same.

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mansfeld Mining & Smelting Company, also known as Mansfeld A. G. für Bergbau und Hüttenbetrieb, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-3244; Filed, Apr. 14, 1953; 8:57 a. m.]

[Vesting Order 17981, Amdt.]

L. KORIJN & CO.

In re: Stock registered in the name of L. Korijn & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. D-49-570.

Vesting Order 17981, dated May 31, 1951, is hereby amended as follows and not otherwise: By deleting from Exhibit A, attached thereto and by reference made a part thereof, the following certificate numbers set forth with respect to ten (10) share certificates of New York Ontario & Western Railway common stock:

N. 39468	N. 39476	N. 39485	N. 39593
N. 39469	N. 39478	N. 39589	N. 39613
N. 39472	N. 39481	N. 39593	N. 39616
N. 39474	N. 39482	N. 39595	N. 39617
N. 39475	N. 39484		

and by substituting therefor the following certificate numbers:

N. 40468	N. 40476	N. 40485	N. 40593
N. 40469	N. 40478	N. 40589	N. 42613
N. 40472	N. 40481	N. 40593	N. 42616
N. 40474	N. 40482	N. 40595	N. 42617
N. 40475	N. 40484		

All other provisions of said Vesting Order 17981 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 9, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-3248; Filed, Apr. 14, 1953; 8:58 a. m.]